Town of Hanover

Massachusetts

Zoning Bylaw

1955 As Amended to the Annual Town Meeting of May, 2013

As adopted and amended by Town Meeting and approved by the Massachusetts Attorney General's Office

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Legal Note

This copy of the Town of Hanover Zoning Bylaw is provided solely for reference purposes and the convenience of the general public. The Town makes no warranty, express or implied, nor assumes any responsibility in the use of this document or its contents for its accuracy or completeness. The Official Zoning Bylaw and Zoning Maps (as adopted and amended by Town Meeting) are on file with the Town Clerk of the Town of Hanover and shall be considered the definitive legal reference in the event of any dispute. All site-specific questions regarding allowable uses and bylaw provisions must be directed to the appropriate Departments and/or Boards, including Town of Hanover Zoning Enforcement Officer (Building Commissioner).

Section I: Citation and Purpose

This Bylaw shall be known and may be cited as the Zoning Bylaw for the Town of Hanover. It is enacted to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land and to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural, scenic and historical resources; to prevent blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town, including consideration of the recommendations of the master plan adopted by the Planning Board; to preserve and increase amenities; to enhance the visual environment of the Town; to protect and preserve from despoliation significant environmental features and resources; and to protect and promote the natural, scenic and aesthetic qualities of the Town by the promulgation of regulations to fulfill said objectives in accordance with the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts.

Section 2: Definitions

SECTIONS SUMMARY

2.000 Standard Interpretations
2.100 Definitions

2.000 – STANDARD INTERPRETATIONS

2.010 For the purposes of this Bylaw, certain terms or words used herein shall be interpreted as follows:

A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

B. The present tense includes the future tense, words in the singular number include the plural number and words in the plural number include the singular number.

C. The word "shall" is mandatory, the word "may" is permissive.

D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

E. The words "building lot", "lot", "parcel" and "plot" shall have the same meaning and shall be interchangeable.

F. The word "land" includes the words "water and marsh," unless otherwise designated herein.

G. The word "structure" includes the word "building".

H. The words "road", "roadway", "street" and "way" shall have the same meaning and shall be interchangeable.

2.020 Where used in this Bylaw, the specific definition of words and terms listed in this Section shall be interpreted as stated and shall have the meaning ascribed to them.

2.100 - DEFINITIONS

Abandoned: Having ceased a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. For purposes of this Bylaw, a use shall be deemed to be abandoned when the structure and/or lot on which the use occurs is marketed for any other use.

Accessory Building: A detached building or structure, which is subordinate to the main building and is located on the same lot with the main building, the use of which is closely related to and customarily incidental to that of the main building or to the use of the land. Where a substantial part of a wall of an accessory building is part of the wall of a main building, or where an accessory building is attached to the main building, such accessory building shall be determined to be part of the main building.

Accessory Use: A secondary use which is conducted on the same lot or within the same structure as the primary use, is subordinate to the primary use and is closely related to and customarily incidental to the primary use of the lot or structure.

Addition: New construction in which a substantial part of a wall is attached to the principal building.

Adult Book Store: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws. For purposes of this Bylaw, 'a substantial or significant portion' shall be indicated by the occurrence of any of the following: floor area dedicated to such materials, shelf space dedicated to such materials, gross receipts from the sale or lease of such materials, net receipts from the sale or lease of such materials, and/or sales volume of such materials exceeding twenty percent (20%) of the total floor area, shelf space, volume of stock, gross receipts, net receipts and/or sales volume, respectively.

Adult Motion Picture Theatre: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws.

Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock in trade, devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws. For purposes of this Bylaw, 'a substantial or significant portion' shall be indicated by the occurrence of any of the following: floor area dedicated to such materials, shelf space dedicated to such materials, gross receipts from the sale or lease of such materials, net receipts from the sale or lease of such materials, and/or sales volume of such materials exceeding twenty percent (20%) of the total floor area, shelf space, volume of stock, gross receipts, net receipts and/or sales volume, respectively.

Adult Use: For purposes of this Bylaw, Adult Use shall be defined as any of the following: Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store, and Nude Entertainment Establishment, as such terms are defined in this Zoning Bylaw.

Adult Video Store: An establishment having a substantial or significant portion of its stock in trade, video, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws. For purposes of this Bylaw, 'a substantial or significant portion' shall be indicated by the occurrence of any of the following: floor area dedicated to such materials, shelf space dedicated to such materials, gross receipts from the sale or lease of such materials, net receipts from the sale or lease of such materials, and/or sales volume of such materials exceeding twenty percent (20%) of the total floor area, shelf space, volume of stock, gross receipts, net receipts and/or sales volume, respectively.

Allowed Use: A use authorized or allowed by right within a specific zoning district. Uses in districts other than the Residence A District may require Site Plan Approval.

Alterations: Remodeling or renovation activities generally conducted within an existing structure and, except for cosmetic changes, having no effect upon the exterior of said structure.

Aquifer: A geological formation, group of formations, or part of a formation that contains sufficient saturated permeable materials to yield significant quantities of water.

Aquifer Recharge Area: An area that has soils, geological features and/or wetlands resource areas that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Area of Influence: The area which experiences drawdown by a pumping well as plotted on a two dimensional map surface; usually ellipsoidal in shape.

Assisted Living Facilities: A Structure or structures containing dwelling units for persons in need of assistance with activities of daily living, as defined and regulated by Chapter 19D of the Massachusetts General Laws.

Automobile Dealership: A sales agency that sells and distributes to the general public new and/or used cars and/or light utility vans and trucks.

Boarding or Rooming House: A building or premise, other than a hotel, inn, motel, tourist court or lodging house, where rooms are let and where meals may be regularly served by pre-arrangement for compensation; not open to transient guests.

Building: A structure having a roof or rigid cover supported by columns or walls for the shelter, support or enclosure of persons, animals or property.

Building, Attached: A building having a substantial portion of one or more walls in common with an adjacent building.

Building Coverage: That portion of a lot covered by all buildings and structures.

Building Inspector: Building Inspector shall mean the Inspector of Buildings or other designated authority, or a duly authorized representative, serving under the building code, and charged with the enforcement of this Bylaw. Where the term Building Inspector is used relative to enforcement of this Zoning Bylaw it shall be understood to mean the Zoning Enforcement Officer, if such position is filled by someone other than the Building Inspector.

Building Lot: A parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, together with such open space as is required, having at least the minimum area required for a lot in the zoning district in which such lot is located and having at least the minimum frontage along a public street or public way or along a way shown on a plan theretofore approved and endorsed in accordance with Massachusetts General Laws, Chapter 41, Sections 81K-81GG (The Subdivision Control Law). A building lot shall not include any portion of a street or way which is relied upon to qualify the lot as to frontage.

Canopies or Porticos: Roof structures which have no side walls and which may be attached to or detached from the principal building on a lot, provided that such structure complies with the definition of Accessory Building in Section 2 of this Bylaw.

Community Center: A structure erected solely for the use of residents of the PRDS and their guests. The Community Center shall contain, at a minimum, kitchen and toilet facilities for men and women and may contain dining areas, game rooms, entertainment rooms, library, laundry facilities, meeting rooms, exercise rooms, locker rooms and/or pool, all of which shall be designed and maintained in conformance with the latest Massachusetts' standards for accessibility for the handicapped.

Cone of Depression: A three dimensional conical concavity produced in a water table by a pumping well.

Day Care Center: Any public or privately sponsored non-residential program, which provides for the care of school-age children when not attending school or pre-school children by someone other than members of the child's own family, and which involves and supports the child's parents or guardians and are appropriate to the development of the child, including in-home care; homemaker services; family day care homes; group day care

homes; day care centers for the full day; part-day preschool programs and nursery schools; private kindergartens; before and after school programs; temporary shelter care programs and programs which offer night care.

Discharge: The spilling, leaking, pumping, pouring, emitting, emptying, or dumping of toxic or hazardous materials upon or into any land or waters in the Town of Hanover Discharge includes, without limitations, leakage of such materials from failed or discarded containers or storage systems, and disposal of such materials into any on-site sewage disposal system, dry well, catch basin, or unapproved landfill.

Duplex Dwelling: A building designed and/or used exclusively for residential purposes and containing two (2) dwelling units constructed side by side and separated by a common party wall or otherwise structurally attached. The individual dwelling units in a duplex dwelling may be of either one-story or two-story design.

Dwelling: A building, used primarily for residential purposes for one or more persons, but not including trailers or mobile homes, however mounted, or commercial accommodations for transient occupancy.

Dwelling Unit: One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the continuous or permanent use of one (1) or more persons living together as a single housekeeping unit.

Expansion: For purposes of this Bylaw, an expansion shall include, but not be limited to, any or all of the following: greater coverage of land area with structures or paving or other non-vegetative uses; any increase in parking or storage or display of vehicles or goods; any increase in the volume of a structure by means of an addition, or enlargement; or, the placement of accessory structures or accessory uses such as gas pumps, storage sheds, outdoor displays and other similar structures or uses.

Family Accessory Dwelling Unit: A Family Accessory Dwelling Unit is a self-contained housing unit incorporated within a single-family dwelling, (not within accessory structures in accordance with this Bylaw) that is clearly a subordinate part of the single-family dwelling and complies with the criteria stated in Section 6.020.C. Family accessory dwelling units shall be designated for one or more persons related to the primary owner-occupant by blood, marriage, or legal adoption.

Floor Area: The interior floor area of a dwelling unit exclusive of basements, stairwells, halls, bathrooms, corridors, attics, wall partitions and attached accessory buildings. For non-residential structures, the floor area is the gross area measured from the outer faces of exterior walls.

Frontage: A linear measurement along that edge of a lot where it abuts the way line. To qualify a lot as a building lot, frontage shall be along a way as defined in Section 2, and shall be continuous and uninterrupted for at least the minimum distance required for the Zoning District in which the lot lies. Primary access and the provision of municipal services shall be through the frontage of a lot.

Garage, Private: Covered space intended for the housing of motor vehicles or boats, but not for commercial repair, or commercial storage, or the rental of more than two (2) stalls.

Garage, Repair: A building designed and used commercially for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.

Gas Station: Buildings and premises where the primary use is the retail supply and dispensing of motor fuels, lubricants, batteries, tires, and motor vehicle accessories.

Gross Floor Area: The sum of the areas for each story or level of a dwelling unit exclusive of areas not designed for human occupancy including, but not limited to basements, stairwells, bathrooms, attics, wall partitions and attached accessory buildings. For business, commercial and industrial structures, the gross floor area is the sum of the areas for each story or level inclusive of basements, elevator shafts, stairwells, and floor space used for mechanical equipment as measured from the outer face of exterior walls.

Groundwater: All water found beneath the surface of the ground. As used in this Bylaw, the term refers to the subsurface water present in aquifers and recharge areas.

Hazardous Material or Waste: Any product, waste, or combination of substances which because of quantity, concentration, or physical, chemical, or infectious characteristics, poses a substantial present or potential hazard to human health and safety, while stored, transported, used, disposed of, or otherwise managed. Any substance deemed a hazardous waste in Chapter 21C of the Massachusetts General Laws and its implementing regulations found at 310 CMR 30.00 et seq., shall be deemed hazardous material for the purpose of this Bylaw.

Home Occupation: An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not employ or utilize non-resident personnel on the premises and which does not alter the exterior of the property or affect the residential character of the neighborhood in which it occurs. Occupations such as dressmaking, preserving or home cooking, repair of portable equipment or appliances, real estate agent, craft manufacturing, selling and collecting of antiques, giving private music and dance lessons, are all included in this definition but a beauty parlor, barber shop, convalescent or nursing home, tourist home, or similar establishment offering services to the general public are not.

Hotel, Inn, Motel, Tourist Court or Lodging House: A facility offering transient lodging accommodations and/or cooking facilities at a daily rate to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand and gravel, or clay, as well as most conventionally surfaced streets, roofs, roadways, sidewalks, parking lots, and other similar structures.

Kennel: An establishment, enclosure, or facility housing dogs, cats, or other household pets, where grooming, breeding, boarding, training, or selling of animals is conducted for business purposes.

Leachable Waste: Waste materials including solid wastes, sludge, and agricultural wastes that are capable of releasing water-borne contaminants to the surrounding environment.

Loading Space, Off Street: An off-street space or berth which has access to a way, alley, driveway, or other appropriate means of ingress and egress, is located on the same lot with a building and is used for the temporary parking of vehicles while loading or unloading merchandise or material.

Lot, Corner: A lot abutting on two (2) or more streets or ways at their intersection.

Lot Coverage: That portion of a lot covered by all buildings, structures, pavement and any other impervious surfaces.

Maximum High Groundwater Elevation: The highest seasonal elevation of the surface of the zone of saturation that has been historically documented or calculated.

Medical Marijuana Treatment Center: Any medical marijuana treatment center, as defined under state law, as a not-for-profit entity (as defined by Massachusetts law only), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

Membership Club: A private organization, building or grounds, to which membership is limited or controlled.

Mining of Land: The removal of geologic materials including, but not limited to, topsoil, sand, gravel, or bedrock.

Mobile Home: A transportable, factory built home which is drawn by or used in connection with a motor vehicle and is designed and constructed to permit human habitation, whether resting on wheels, jacks or other foundations. A mobile home is further defined to mean a dwelling unit built on a chassis and containing complete electrical, plumbing, and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

Non-Conformance: A condition, other than use, structure or lot, that does not comply with certain zoning regulations. A pre-existing non-conformance is one which complied with applicable regulations at the time that the condition was established -- e.g., buffers, landscaping, parking, signs, and/or other similar conditions.

Non-Conforming Lot: A lot that does not comply with the dimensional regulations for the zoning district in which it is located. A pre-existing, non-conforming lot is one which complied with applicable dimensional regulations at the time the lot was established.

Non-Conforming Structure: A structure that does not comply with the regulations relative to size and/or location on a lot for the zoning district in which such structure is located. A pre-existing, non-conforming structure is one which complied with applicable regulations at the time the structure was established.

Non-Conforming Use: A use of land or buildings which does not conform to the use regulations for the zoning district in which it exists. A pre-existing, non-conforming use is one which complied with applicable use regulations at the time the use was established or the structure was constructed.

Nude Entertainment Establishment: An establishment which displays live nudity for its patrons or which provides live entertainment for its patrons, which entertainment includes the display of nudity, as that term is defined in Section 31 of Chapter 272 of the Massachusetts General Laws.

Overlay District: A zoning district which overlies other zoning districts. The provisions and restrictions of an overlay district take precedence over those of the underlying zoning district(s).

Permit Granting Authority: For purposes of this Bylaw, the Zoning Board of Appeals shall be the "Permit Granting Authority".

Permitted Use: A use authorized within a specific zoning district only upon the grant of a Special Permit by the Permit Granting Authority or by the Special Permit Granting Authority. Said Special Permits shall be subject to general and/or specific conditions as provided.

Personal Wireless Services: A form of wireless telecommunications which currently includes cellular telephones, personal communications systems and paging services and in the future may include computer networking and wireless Internet access.

Planned Residential Development for Seniors: A unified, self contained, residential retirement community, constructed expressly for and specifically limited to use and residency by persons who are fifty five (55) years of age or older, and including one or more types of residential dwellings, undertaken in accordance with an overall plan, incorporating a consistent architectural concept and incorporating the preservation of natural areas within the development.

Pre-Existing: When used in this Bylaw in conjunction with the terms Non-Conformance, Non-Conforming Lot, Non-Conforming Structure, or Non-Conforming Use, the term "Pre-Existing" shall mean a situation that existed prior to the adoption of this Bylaw, or any amendment thereto, which caused said lot, structure, use, or other non-conformity to become non-conforming.

Primary Residence: A dwelling where the owner-occupant has a true, fixed, and permanent home and principal establishment, and occupies it for a major portion of a calendar year, except for bona-fide temporary absences.

Renewable Energy: (i) resources whose common characteristic is that they are nondepletable or are naturally replenishable but flow-limited; or (ii) existing or emerging non-fossil fuel energy sources or technologies, which have significant potential for commercialization in New England and New York, and shall include the following: solar photovoltaic or solar thermal electric energy; wind energy; ocean thermal, wave, or tidal energy; geothermal; fuel cells; landfill gas; waste-to-energy which is a component of conventional municipal solid waste plant technology in commercial use; naturally flowing water and hydroelectric; and low emission advanced biomass power conversion technologies using such fuels such as wood, by-products or waste from agricultural crops, food or animals, energy crops, biogas, liquid biofuel including but not limited to biodiesel, organic refuse-derived fuel, or algae; provided, however, that renewable energy supplies shall not include coal, oil, natural gas except when used in fuel cells, and nuclear power.

Retreat Lot: An oversized lot, generally set some distance back from the way which provides access to the lot, which lot has less than the requisite 150 feet of frontage in the Residence A District and which lot has been permitted by Special Permit in accordance with the provisions of Section 6.030A. of this Zoning Bylaw.

Sanitary Waste: Wastewaters arising from ordinary domestic water use as from toilets, sinks, bathing facilities, etc., and containing such concentrations and types of pollutants as to be considered normal wastes.

Service Station: Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Setback: The minimum distance that a building or structure and any accessory building(s) shall be separated from the front, rear and/or side lot lines of a lot. Specific front, rear and/or side setback distances for each Zoning District may be found in Section 7 of this Bylaw.

Sign: A structure, device, or visual communication designed or intended to convey information to the public in written or pictorial form.

Slug: Defined as, but not limited to, a parcel of land or portion of a lot, the primary purpose of which is to separate a parcel, lot, and/or use, one from another. A parcel of land and/or portion of a lot shall automatically be deemed to be a slug if no primary or accessory structure whatsoever could be constructed or erected upon or within said parcel of land and/or portion of a lot.

Solid Waste: Unwanted or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, and landscape refuse.

Special Permit Granting Authority: For purposes of this Bylaw, the Planning Board shall be the "Special Permit Granting Authority", unless some other Board or Commission is expressly indicated.

Story: That portion of a building that includes the space between the surface of any floor and the surface of the next floor above it, or, if no floor exists above it, the space between such floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. One-half (1/2) story means any story or space situated wholly or partly in the roof, so designed, arranged, or built to be used for storage or habitation.

Street: A public or private way used, or intended to be used, for passage or travel.

Structure: Anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground. Examples of structures include, but are not limited to, buildings, swimming pools (above-ground or in-ground), retaining walls, sheds, vending or dispensing machines of twenty (20) square feet or more, and communications towers or structures.

Telecommunications Antenna: Antenna installed for the primary purpose of transmitting and receiving telecommunications signals.

Telecommunications Tower: A structure designed and constructed for the primary purpose of the installation of telecommunications antennae.

Town House: A building designed and/or used exclusively for residential purposes and containing three (3) or more dwelling units, not to exceed ten (10), constructed side by side with each unit separated from the next unit by a common party wall extending from the floor of the basement (or from the top of the slab forming the foundation) to the roof line.

Trailer: A vehicle or object on wheels which has no motive power of its own, but which is drawn by or used in connection with a motor vehicle. A storage trailer is one which is designed, constructed and utilized for the principal purpose of storing goods or material and is generally located in a stationary position. A utility trailer is one which is designed, constructed and utilized for the principal purpose of transporting equipment, goods or material from one location to another.

Turning Radius: A curved section of a street forming a portion of a closed loop or circle, commonly referred to as a cul-de-sac, provided to facilitate vehicular traffic at the terminus of what would otherwise be a dead-end street.

Upland Area: That area exclusive of wetland resource areas and floodplains as defined by Section 40 of Chapter 131 of the Massachusetts General Laws, as amended and its implementing regulations, 310 CMR 10.00 et. seq.

Way: A vehicular or pedestrian thoroughfare, which is either:

1) A public way laid out by a governmental entity or public authority pursuant to Massachusetts General Laws;

2) A way that has been accepted as a public way by a majority vote of the Town at an Annual Town Meeting;

3) A way that is shown on a plan approved, endorsed and constructed in accordance with the Subdivision Rules and Regulations of the Town of Hanover; or

4) A way, in existence when the Subdivision Control Law became effective in the Town, that is certified by the Planning Board as having sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and to provide for the installation of municipal services to serve such land.

Way Line: The dividing line between a way and a lot. In the case of a public way, the line established by the public authority laying out the way upon which the lot abuts.

Wetlands Resource Area: For purposes of this Bylaw, wetlands resource areas shall include both freshwater and coastal wetlands as determined by the Hanover Conservation Commission, or as defined by Section 40 of Chapter 131 of the Massachusetts General Laws as amended and its implementing regulations, 310 CMR 10.00 et seq. Examples of wetlands resource areas include, but are not limited to: wet meadows, marshes, swamps, bogs, areas where groundwater or flowing or standing surface water or ice provides a significant portion of the supporting substrata for a plant community for at least five (5) months of the year; land under any lake, pond, river, stream, creek or estuary; any bank, marsh, swamp, meadow or other lowland subject to tidal action or storm flooding or flowage and land within the 200 foot riverfront area associated with all rivers and perennial streams. In an instance where a conflict exists between wetlands resource areas as defined by the Massachusetts General Laws, and a determination by the Hanover Conservation Commission, the latter shall apply.

Wireless Telecommunications: Communications via a signal sent through the air. Such communications include radio, television and personal wireless services.

Yard: Any open space located on the same lot with a building.

Section 3 – Districts

SECTIONS SUMMARY

3.000 Establishment of Districts
3.100 Location of Districts
3.200 Location of Boundaries of Districts
3.300 Use Beyond a Boundary Line

3.000 – ESTABLISHMENT OF DISTRICTS

3.010 For the purposes of this Bylaw, the Town of Hanover is divided into the following types of districts:

A. Residence A District

B. Business District

C. Commercial District

D. Planned Shopping Center District

E. Limited Industrial District

F. Industrial District

G. Fireworks District

H. Flood Plain Protection District (Overlay District)

I. Water Resource Protection District, which consists of the Aquifer Protection Zone and the Well Protection Zones. (Overlay Districts)

J. Wireless Telecommunications District (Overlay District)

K. Adult Use District (Overlay District)

L. Interchange District (Overlay District)

3.100 – LOCATION OF DISTRICTS:

3.110 Said districts are hereby established as shown, located, defined and bounded on a map entitled "Zoning Map of the Town of Hanover, Massachusetts", prepared by Perkins Engineering, dated June 10, 1981, and filed with the Office of the Town Clerk as subsequently amended in accordance with Section 14 of this Bylaw. Said map, together with all explanatory matter thereon, is hereby incorporated in and made a part of this Bylaw.

3.120 Maps currently in effect for the overlay districts are on file with the Town Clerk and consist of:

A. Flood Plain Overlay District Map as follows:

1. Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA), consisting of panel numbers 25023C0094J, 25023C0111J,

25023C0113J, 25023C0114J, 25023C0118J, 25023C0182J, 25023C0184J, 25023C0201J, 25023C0202J, 25023C0203J, and 25023C0206J, dated July 17, 2012.

B. The Aquifer Protection Zone as delineated on the Zoning Map identified in Section 3.110, above.

C. The Aquifer Protection Zone as delineated on the Zoning Map identified in Section 3.110, above.

D. Four (4) overlay district maps pertaining to the Water Resource Protection District as follows:

1. Well Protection Zone, Figure 1, Pond Street, Well Field.
2. Well Protection Zone, Figure 2, Hanover Street, Well Field.
3. Well Protection Zone, Figure 3, Broadway, Well Field.
4. Well Protection Zone, Figure 4, Beal Well Field.

E. The Wireless Telecommunications District, an Overlay District delineated as follows:

1. All that land included in the Planned Shopping Center District.
2. All that land that is included in the Commercial and Limited Industrial Districts and is located to the northeast of Route 3.
3. All that land included in the Industrial and Fireworks Districts.
4. All that land included in a so called Municipal District comprised of Lots 2, 3, 26, 35 and 36 on Assessors' Plan 48; Lot 10 on Assessors' Plan 55; Lots 1, 2, 8, 13, 18, 41 and 43 on Assessors' Plan 56; Lot 82 on Assessors' Plan 57; Lot 1 on Assessors' Plan 63; Lot 103 on Assessors' Plan 64; and Lot 2 on Assessors' Plan 65.

F. The Adult Use District, an Overlay District, delineated as follows:

1. All that land included in the Planned Shopping Center District.
2. That portion of the Commercial District and Limited Industrial District which lies northeasterly of the westerly way line of Route 3.

3.200 – LOCATION OF BOUNDARIES OF DISTRICTS

3.210 Where the boundary lines are shown upon the Zoning Map to be within the way lines of public or private ways, or within utility transmission line easements, the center lines of such ways or easements shall be the district boundary lines, unless otherwise indicated.

3.220 Boundary lines located outside of such way lines or transmission line easements and shown approximately parallel thereto shall be regarded as parallel to such ways or transmission lines, and dimensions shown in figures placed upon the Zoning Map between such boundary lines and such ways or transmission lines are the distances in feet of such boundary lines from the center line of such ways or transmission line easements. Distances shall be measured at right angles to such lines unless otherwise indicated.

3.230 Where a district boundary line appears to closely approximate the location of property or lot lines, and no offset dimension is shown between the property or lot line and the boundary line, then the property or lot line shall be the district boundary line.

3.240 In all cases not covered by the above provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon the Zoning Map, by the use of identifications as shown on the Map, or by the scale of said Map.

3.300 – USE BEYOND A BOUNDARY LINE

3.310 When the boundary line separating the Business District and the Commercial District from each other divides a lot, existing at the time such line is adopted, any building or use allowed in either district shall be allowed for the entire lot and any building or use permitted in either district shall be permitted for the entire lot.

3.320 When the boundary line separating the Residence A District from a non-residential district divides a lot, existing at the time such line is adopted, no non-residential uses, structures, appurtenances (such as disposal systems or detention/retention basins and the like), or site preparation work shall cross the boundary line into the Residence A District. If a non-residential use utilizes any Residence A District land for coverage, density or similar requirements, the more restrictive requirements (See Section 7) of the districts involved shall apply.

Section 4 – Pre-Existing, Non-Conforming Uses, Structures, Lots and Other Non-Conformances

SECTIONS SUMMARY

4.000 Expansion of Existing Uses or Structures
4.100 Pre-Existing, Non-Conforming Uses
4.200 Pre-Existing, Non-Conforming Structures
4.300 Pre-Existing, Non-Conforming Lots
4.400 Other Pre-Existing Non-Conformances

4.000 – EXPANSION OF EXISTING USES AND/OR STRUCTURES

For purposes of this Bylaw, an expansion shall include, but not be limited to, any or all of the following: greater coverage of land area with structures or paving or other non-vegetative uses; any increase in parking or storage or display of vehicles or goods; any increase in the volume of a structure by means of an addition, or enlargement; or, the placement of accessory structures or accessory uses such as gas pumps, storage sheds, outdoor displays and other similar structures or uses.

4.100 – PRE-EXISTING, NON-CONFORMING USES

4.110 A pre-existing, non-conforming use may continue, provided that:

A. No increase in the extent of the pre-existing, non-conforming use of a structure or land and no alteration of a structure utilized for non-conforming purposes to provide for the same non-conforming use to a greater extent shall be made, except:

1. Subject to the grant of a Special Permit from the Zoning Board of Appeals after a finding by said Board that such expansion of use shall not be substantially more detrimental to the neighborhood than the existing non-conforming use, pre-existing, non-conforming agricultural and residential uses may be expanded within setback and building code limitations, provided that such expansion itself conforms to all dimensional regulations of Section 7 of this Zoning Bylaw and provided that, other than use, there is no extension or intensification of any existing non-conformances and no creation of any new non-conformances.

2. Subject in each case to a Special Permit from the Zoning Board of Appeals under the Site Plan procedure specified in Section 10, other pre-existing, non-conforming uses may be expanded up to twenty-five percent (25%) in volume, floor area and/or land utilization area greater than that which existed prior to that point in time at which the use became non-conforming. The Board shall not grant a Special Permit unless it finds that such expansion will not be substantially more detrimental to the neighborhood than the existing non-conforming use; and further that such expansion will not result in any violation of the dimensional requirements of this Bylaw as set forth in Section 7. If such a pre-existing, non-conforming use is located in the Water Resource Protection District, the criteria for the issuance of a Special Permit for that District shall apply (see Section 6.800).

4.120 A pre-existing, non-conforming use may be changed in accordance with the following:

A. A pre-existing, non-conforming use shall not be changed to any other non-conforming use.

B. A pre-existing, non-conforming use may be changed to a conforming use subject to the grant of a Special Permit from the Zoning Board of Appeals after a finding by said Board that such change of use shall not be substantially more detrimental to the neighborhood than the existing non-conforming use and provided that there is no extension or intensification of any existing non-conformances and no creation of any new non-conformances.

4.130 If a pre-existing, non-conforming use is discontinued or abandoned for a period of more than two (2) years, it shall not be re-established and any future use shall be in conformance with this Bylaw. For the purposes of this Section, a use shall be deemed to be discontinued or abandoned when the structure and/or lot on which the use occurs is marketed for any use other than its current use.

4.200 – PRE-EXISTING NON-CONFORMING STRUCTURES

4.210 A pre-existing, non-conforming structure destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored at the same location and again used as previously, provided that said owner shall apply for and obtain a building permit and start operations for restoring or rebuilding on said premises within twelve (12) months after such catastrophe, and provided that reconstruction is completed and occupancy begun within two (2) years after the issuance of said building permit, and further provided that the structure as restored shall not be greater in volume or area than that which existed previously, that there shall neither be any extension or intensification of any previously existing, non-conformances nor the creation of any new non-conformances and that said structure shall be constructed in accordance with the Massachusetts State Building Code.

4.220 The use of a pre-existing, non-conforming structure may continue provided that:

A. No pre-existing, non-conforming structure shall be altered or extended except in accordance with the following:

1. Pre-existing, non conforming single family or two family residential dwellings may be altered or extended in accordance with the provisions of Section 6.010 I. of this Zoning Bylaw provided that such alteration or extension meets all of the requirements of such Section.

2. Pre-existing, non-conforming single family or two family residential dwellings located in the Residence A District on either conforming or pre-existing, non-conforming lots which do not meet all of the requirements of Section 6.010 I. of this Zoning Bylaw may be altered, reconstructed, extended or structurally changed in accordance with the following:

a. When said alteration, reconstruction, extension or structural change extends or intensifies existing non-conformances but does not create new ones, the Zoning Board of Appeals may grant a Special Permit for such alteration, reconstruction, extension or change provided that:

i. The Board identifies the particular respect or respects in which the existing structure does not conform to the requirement of the present zoning;

ii. The Board then determines whether the proposed alteration or addition would extend or intensify the existing non-conformances or create any new non-conformances;

iii. Should the Board conclude that there will be an extension or intensification of existing non-conformances but no creation of any new non-conformances, applicant will be entitled to the issuance of a Special Permit; provided that the Board finds that said alteration, reconstruction, extension or structural changes shall not be substantially more detrimental to the neighborhood than the existing non- conforming structure and use of said structure.

b. When said alteration, reconstruction, extension or structural change creates new non-conformities, such shall not be allowed or permitted except in accordance with the following:

i. A variance shall be sought for the new non-conformance, which variance may be granted by the Zoning Board of Appeals in accordance with Section 13 of this Zoning Bylaw, and

ii. If said variance is granted, the Zoning Board of Appeals may issue a Special Permit for such alterations, reconstruction, extension, or structural change in accordance with the provisions of subparagraphs i. through iii. of Subsection 2.a., above.

3. Pre-existing, non conforming, non-residential structures located on either conforming or pre-existing, non-conforming lots may be altered, reconstructed, extended or structurally changed in accordance with the following:

a. If said alteration, reconstruction, extension or structural change itself conforms to all provisions of this Zoning Bylaw and does not cause any extension or intensification of existing non-conformances or the creation of any new non-conformances, the Planning Board, acting as the Special Permit Granting Authority, may grant a Special Permit permitting said alteration, reconstruction, extension, or structural change provided that the Board finds that such shall not be substantially more detrimental to the neighborhood than the existing non-conforming structure or use of said structure.

b. If said alteration, reconstruction, extension or structural change causes any extension or intensification of any existing non-conformances or the creation of new non-conformances, such shall not be allowed or permitted except in accordance with the following:

i. A variance shall be sought for the extension or intensification of any existing non-conformances, or the creation of any new ones, which variance may be granted by the Zoning Board of Appeals in accordance with Section 13 of this Zoning Bylaw, and

ii. If said variance is granted by the Zoning Board of Appeals, the Planning Board, acting as the Special Permit Granting Authority, may then grant a Special Permit permitting said alteration, reconstruction, extension or structural change

provided that the Board finds that such shall not be substantially more detrimental to the neighborhood than the existing non-conforming structure or use of said structure.

4.230 If the use of a pre-existing, non-conforming structure is discontinued or abandoned for a period of more than two (2) years, no use shall subsequently be established in or re-established in said non-conforming structure until said structure is brought into conformance with the current dimensional requirements of this Zoning Bylaw. (See Section 7). For purposes of this Section, a structure shall be deemed to be abandoned if no use whatsoever is conducted in said structure for a period of more than two (2) years.

4.240 Alteration of a pre-existing, non-conforming, non-residential structure shall be allowed as a matter of right except where such alteration results in the utilization of the existing structure for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent and except where such alteration results in the extension or intensification of any previously existing non-conformances or the creation of any new non-conformances. Alterations of pre-existing, non-conforming, non-residential structures which do not meet the requirements of this Section shall be subject to the provisions of Section 4.220.

4.300 – PRE-EXISTING, NON-CONFORMING LOTS

4.310 Pre-existing, non-conforming lots which meet the requirements of Section 5.020 of this Bylaw may be utilized for any uses allowed or permitted for the zoning district in which said lot lies.

4.320 Structures and uses on pre-existing, non-conforming lots may continue to be utilized in the same fashion as they were being utilized on that date upon which said lots became non-conforming.

4.330 No pre-existing, non-conforming lot shall be altered or changed except in accordance with the following and only upon the grant of a Special Permit from the Planning Board, acting as the Special Permit Granting Authority, after a finding by the Board that the proposed alteration or change shall not be substantially more detrimental to the neighborhood than the existing, non-conforming lot and use of said lot:

A. A pre-existing, non-conforming lot may be combined with another lot or it may be divided and combined with more than one lot provided that all such resultant lots are themselves conforming to all dimensional regulations of this Zoning Bylaw, or

B. Other land may be combined with a pre-existing, non-conforming lot provided that the resultant lot itself conforms to all dimensional regulations of this Zoning Bylaw.

4.340 Non-residential structures located on pre-existing, non-conforming lots may be altered, reconstructed, extended or structurally changed in accordance with the provisions of subparagraph a. or b. of Section 4.220 A.3., above, and provided that the Planning Board, acting as the Special Permit Granting Authority, determines that the pre-existing, non-conforming lot is adequate in size to accommodate the proposed changes in said structure and the proposed uses of said structure, while not further derogating from the setback, coverage, buffer, landscaping, and parking requirements and provisions of this Zoning Bylaw.

4.350 Uses on pre-existing, non-conforming lots may be extended or changed upon application to, and the grant of a Special Permit from the Planning Board, acting as the Special Permit Granting Authority, provided that:

A. Notwithstanding the provisions of Section 4.110 A.2., above, there shall be no extension of a non-conforming use on a pre-existing, non-conforming lot and any change of use shall be to a conforming use;

B. The Board determines that the existing, non-conforming lot and any structures thereupon are adequate in size to accommodate the proposed extension or changes of use, while not further derogating from the setback, coverage, buffer, landscaping, and parking requirements and provisions of this Zoning Bylaw;

C. Said proposed extension or change in use shall not create any new non-conformances or extend or intensify any existing ones; and

D. The Board finds that said proposed extension or change of use is not substantially more detrimental to the neighborhood than the existing use currently being conducted on the pre-existing, non-conforming lot.

4.400 – OTHER PRE-EXISTING, NON-CONFORMANCES

4.410 Pre-existing, non-conformances other than uses, structures, and lots may continue, subject to the provisions of paragraph 4.420 below, and provided that there are no changes and/or alterations such as to cause subject non-conformances to become more non-conforming.

4.420 Relative to existing uses, structures, or lots, when any change, expansion or alteration takes place so as to require an application for Special Permit and/or Site Plan Approval, all pre-existing non-conformances other than uses, structures and lots shall be brought into compliance with the provisions of the then current Zoning Bylaw. This requirement may be waived by the Reviewing Board if the Board determines that bringing said non-conformance into compliance is not feasible or not appropriate in a specific circumstance, provided that said Reviewing Board finds that the waiving of such shall not be substantially more detrimental to the neighborhood after the grant of said Special Permit and/or Site Plan Approval than the pre-existing, non-conformances were prior to such grant.

Section 5 – General Regulations For New Construction And Uses And General Provisions For All Zoning Districts

SECTIONS SUMMARY

5.000 Relation to Local and State Law
5.100 Rate of Development
5.200 Construction Site Preparation Standard
5.300 Accessory Structures
5.400 Signs
5.500 Mobile Homes and Storage or Utility Trailers
5.600 Outdoor Storage
5.700 Lots in a Wetlands Resource Area or Well Protection Zone
5.800 General Provisions

5.000 – RELATION TO LOCAL AND STATE LAW

5.010 For the purposes of this Bylaw, any lawful building or structure or use of a building, structure or land, or part thereof, may be constructed, altered, enlarged, repaired or moved, occupied and used for any purpose which does not violate any section of this Bylaw or any of the provisions of the Bylaws of the Town of Hanover.

5.020 Exemptions to Dimensional Requirements: Dimensional requirements respecting lot area, frontage, width, yard or building setback provided in this Bylaw or amendments thereto (see Section 7) shall be subject to the exemptions provided in Section 6 of Chapter 40A of the Massachusetts General Laws. Dimensional requirements shall not apply to a lot for single or two-family residential use which, at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to the then existing requirements, and contained a minimum of five thousand (5,000) square feet of area and fifty (50) feet of frontage.

5.030 A lot on which there existed, at the time of the adoption of this Bylaw, two (2) or more dwelling houses may be divided into as many lots as there were dwelling houses thereon, notwithstanding any requirements respecting lot size and frontage, provided that the lot is divided in such a manner so as to result in lots which conform as nearly as possible to area and frontage requirements.

5.040 Grandfathered Project Approvals: The following projects shall be allowed or permitted, notwithstanding non-compliance with the requirements of this Bylaw or amendments thereto provided that such construction is commenced within six (6) months after the issuance of the permit and, in cases involving construction, such construction is continued through to completion as continuously and expeditiously as is reasonable.

A. Construction or uses for which a building permit has been legally issued.

B. Construction or uses for which a Special Permit from the Zoning Board of Appeals acting as the Permit Granting Authority or from the Planning Board acting as the Special Permit Granting Authority has been lawfully granted prior to the first publication of notice of the public hearing respecting this Bylaw or any amendment thereto.

5.050 No building except docks, wharves or other structures to service boats shall be erected below the ten (10) foot contour line as shown on the latest U.S.G.S. map.

5.100 – RATE OF DEVELOPMENT

5.110 For the purpose of protecting the public health, safety and welfare, and to ensure that there is an adequate infrastructure to accommodate new growth, all construction of dwelling units located within areas of land subject to the jurisdiction of the Planning Board under the Subdivision Control Law, Sections 81K - 81GG of Chapter 41 of the Massachusetts General Laws, as amended, shall not be developed at a rate greater than that determined by the schedule below. Infrastructure improvements shall include, but not be limited to, water service, roadways, sidewalks, police and fire protection, education, and municipal facilities.

5.120 Subdivisions containing sufficient area to provide for more than fifty (50) building lots shall not be developed by the construction of dwelling units at a rate greater than one-fifth (1/5) each year of the total lots shown on an approved definitive subdivision plan.

5.130 Subdivisions containing sufficient area to provide for fifty (50) building lots or less shall not be developed by the construction of dwelling units at a rate greater than one fifth (1/5) each year of the total lots shown on an approved definitive subdivision plan or by construction at a rate of not more than ten (10) dwelling units per year, whichever is greater.

5.140 If the determination of one-fifth (1/5) of the total lots produces a fraction of a lot, the authorization for each year is increased to the next whole number.

5.150 In any subdivision, the first year in which construction may begin pursuant to this Section starts on the date the Planning Board endorses its approval on the plan and subsequent years start on the anniversaries of that date of endorsement.

5.200 – CONSTRUCTION SITE PREPARATION STANDARD

No site preparation work, including tree removal, shall begin until approval of a definitive subdivision plan and/or site plan (if either or both is/are required) and all other required permits have been secured. Subdivision plans and site plans shall show that the natural topography and vegetative cover is to be preserved as far as possible and practical. It is the intent of this Bylaw to retain natural features which protect the health and welfare of the inhabitants and preserve the beauties and amenities of the Town. Any excavating, grading or filling shall be kept to an absolute minimum and limited to building foundations, sewage systems, parking areas, drives and other ancillary and incidental uses which may be allowed or permitted. No site preparation work shall be done in any buffer areas or in other areas which are not to be utilized in conformity with the dimensional requirements of Section 7. Removal or deposition of gravel, loam or similar materials shall be clearly incidental to the necessary site preparation work unless the gravel removal is being conducted in conformance with the General Bylaws of the Town of Hanover and only after the issuance of all necessary permits.

5.300 – ACCESSORY STRUCTURES

A detached accessory structure, including but not limited to, a garage, tool shed, or swimming pool, may be erected in the rear or side yard only, provided that it conforms with the setback requirements of the zoning district in which it is located. An addition to a principal building shall be considered an integral part thereof, and may be allowed or permitted only if it conforms with all applicable setbacks of the district in which the principal building is located. To be considered accessory to the use of a dwelling unit, a swimming pool shall be used by the residents of the premises and their guests only. The pool shall be securely fenced to a height of not less than four (4) feet.

5.400 – SIGNS

Signs shall be permitted in all districts provided that they are in conformance with the Town of Hanover Sign Bylaw.

5.500 – MOBILE HOMES AND STORAGE OR UTILTY TRAILERS

No area in any zoning district shall be occupied or used by a trailer or mobile home for a period of time in excess of thirty (30) days during any one (1) calendar year, unless a permit for the trailer or mobile home has been issued by the Zoning Board of Appeals, acting as the Permit Granting Authority, for a period of time of not more than one (1) year.

5.600 – OUTDOOR STORAGE

Except as specifically allowed or permitted in this Bylaw, there shall be no outdoor storage or display of any vehicles, boats, building materials, goods for sale, or other articles in any non-residential zoning district within the Town. This shall include, but not be limited to, any of the above which may be in the process of assembly, repair or renovation or which may have been taken in trade. The storage of any vehicles, boats, materials, goods or other similar articles in a warehouse use or operation shall be limited to inside storage only.

5.610 Notwithstanding the above provisions and upon applying for and the granting of a Special Permit by the Planning Board acting as the Special Permit Granting Authority, a business may display or store "goods for sale" based on conditions defined in the Special Permit as determined by the Planning Board. Permit Filing Fees for this Special Permit shall be reduced to 50% of the Planning Board Permit Filing Fees for Special Permits as posted on the Planning Board Fee Schedule & Submission Requirements for Permits & Filings. All other requirements shall be as posted.

(Approved May 3, 2011) (Approved by the Attorney General October 23, 2012)

5.700 – LOTS IN WETLAND RESOURCE AREA OR WELL PROTECTION ZONE

Any portion of a lot which is located in a wetlands resource area or in a Well Protection Zone shall not be used to meet any of the dimensional regulations of Section 7, except that ten percent (10%) of that area of the lot which is located within the 200 foot riverfront area may be utilized to meet the Lot Area requirements of said Section 7.

5.800 – GENERAL PROVISIONS

5.810 Religious and Educational Institutions: In all zoning districts, nothing in this Bylaw shall prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth or for any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a nonprofit educational corporation, except that any such use shall be subject to regulations concerning the dimensions and height of structures and the determining of yard sizes, frontage, lot areas, setbacks, open space, parking and building coverage requirements. Site Plan Approval from the Planning Board, acting as the Special Permit Granting Authority in accordance with Section 10 of this Bylaw, shall be required prior to commencement of such uses.

5.820 Municipal Water Supply: In all zoning districts, nothing in this Bylaw shall prohibit, regulate or restrict the use of land or structures for municipal water supply uses, except that any such use shall be subject to regulations concerning the dimensions and height of structures and the determining of yard sizes, frontage, lot areas, setbacks, open space, parking and building coverage requirements. A Special Permit and Site Plan Approval

from the Planning Board, acting as the Special Permit Granting Authority in accordance with Section 10 of this Bylaw, shall be required prior to commencement of such uses.

5.830 Appeals: Appeal from any decision of the Permit Granting Authority or of a Special Permit Granting Authority may be taken in accordance with the provisions of Section 17 of Chapter 40A of the Massachusetts General Laws.

5.840 Scientific Research: In all zoning districts, activities accessory to uses allowed as a matter of right, which are necessary in connection with scientific research or scientific development or related production, whether or not on the same parcel as activities allowed as a matter of right, may be permitted upon approval of the Zoning Board of Appeals, acting as the Permit Granting Authority, as provided in Section 13. Activities conducted in connection with scientific research, biomedical research, scientific product development, and other related activities may be permitted in the Limited Industrial District upon application for and receipt of a Special Permit from the Board of Appeals, acting as the Permit Granting Authority, as provided in Section 13.

5.850 Buffers: Whenever a structure for a non-residential use is built on a lot which abuts a Residence A District, such structure and any related use of such lot shall be adequately buffered or screened from the Residence A District lot by trees, or shrubs in the event that there are no existing trees, so that the character and quiet enjoyment of the Residence A District would not be substantially changed. (See Section 8.)

5.860 Housing for the Elderly and for Handicapped Persons: The use of land for Housing for the Elderly and for Handicapped persons in any of the aforementioned Districts by the Hanover Housing Authority or by the Hanover Legion Elderly Housing Corporation or by the Cushing Residence, Inc. shall be exempt from the provisions of this Zoning Bylaw, except for provisions of Section 6.800, Water Resource Protection District, and Site Plan Approval by the Hanover Planning Board, acting as the Special Permit Granting Authority, under the provisions of Section 10 and the present restrictions as set forth in Section 7.100, provided such exemption is authorized by a two-thirds (2/3) majority vote of the Town at any Annual or Special Town Meeting.

5.870 The following provisions pertain to Access Drives and Common Drives.

A. Access Drives: In any non-residential zoning district, access drives shall be a minimum of twenty (20) feet in width and a minimum of one hundred and twenty (120) feet center to center apart, and there shall be only one such access if the frontage is two hundred (200) feet or less. If the frontage is greater than two hundred (200) feet, additional accesses may be allowed in the ratio of one (1) such access for each additional two hundred (200) feet, or portion thereof, of frontage.

B. Common Drives: The purpose of this Section is to provide guidelines for the Planning Board to permit Common Driveways in order to reduce the number of access points on public or private roads; to protect wetlands and sensitive natural areas from disturbance, including stormwater runoff; and to preserve a rural atmosphere in the Town of Hanover, when these driveways meet reasonable construction and design standards.

In the Residence A District, common drives providing access to more than one lot shall not be allowed or permitted except by Special Permit from the Planning Board pursuant to this Section. Except by a Special Permit issued pursuant to this Section, the access drive to a residential lot shall not be allowed or permitted to pass over, across, or through another lot.

Applicants for a Special Permit pursuant to this Section shall provide a Common Driveway Plan (Site Plan) to the Planning Board in accordance with the provisions of Section 10 of this Bylaw.

All applications shall include a Common Driveway Agreement (Covenant) to be executed by the owners of all properties upon Special Permit Approval and which shall be recorded with the decision of the Planning Board. The Site Plan and the deed for each lot served by a Common Driveway shall include a restrictive Covenant stating that the Common Driveway shall never be considered for acceptance as a town road and that all maintenance and repair of the Common Driveway and drainage facilities shall be the responsibility of the owners of the properties served by the Common Driveway.

The Special Permit, Common Driveway Plan, and Common Driveway Agreement executed by the applicant shall all be recorded at the Plymouth County Registry of Deeds, and certified copies of each shall be forwarded to the Planning Board within six months of the approval of the Special Permit.

Common Driveway Requirements: The following minimum requirements shall be met for all Common Driveways and Applications for a Common Driveway Special Permit:

1. No Common Driveway shall access more than two (2) lots. Both such lots shall have a lot line on the same Way.
2. Common Driveways shall access lots from no more than one access point on an existing way or a street shown on an approved subdivision plan.
3. A Common Driveway shall access lots over a portion of the approved frontage of one of the lots served.
4. Common Driveways shall not satisfy zoning frontage requirements.
5. The entire Common Driveway must lie within the lots served, and in the Town of Hanover.
6. Signs to direct emergency access to each dwelling must be installed at the street line and at each driveway intersection with the Common Driveway.
7. Location and construction of Common Driveways should minimize soil disturbance, vegetation removal, and drainage impacts, and preserve existing trees of over 12" caliper and other natural features of special significance.
8. Common Driveways shall have a minimum surface width of sixteen (16) feet, exclusive of two (2) foot shoulders on either side cleared of brush and trees. This requirement may be reduced or waived by the Planning Board after written approval of emergency access, by the Fire Department.
9. No Common Driveway shall be allowed to be constructed off any Cul-de-Sac or Dead End of a Public or Private Way.
10. No Common Driveway shall be connected or attached to any other Common Driveway.
11. No Common Driveway shall be extended without prior approval of the Planning Board.
12. Common Driveways shall be located within an easement which may allow space for installation of water lines and utilities as needed. Water lines, utilities, easements and appurtenances shall be shown on the Common Driveway Plan.
13. The Site Plan shall indicate the proposed materials and method of construction for the Common Driveway as well as any proposed grading, drainage and landscaping as appropriate to the site.
14. The Site Plan shall indicate the location for alternate construction of individual driveways at a future date, in the event the subject property owners so choose.
15. Common Driveways shall not exceed one thousand (1,000) feet in length, measured from the street line to the farthest end of the Common Driveway and the Fire Department must

provide written approval of the proposed Common Driveway for emergency access, hydrant locations, turn-around and water supply prior to approval by the Planning Board.

16. No Common Driveway shall be located above major components of a septic system, including septic tanks, leaching fields, and distribution boxes, except where approved by the Board of Health.
17. No Common Driveway shall be permitted unless an easement or easements, running with the land in perpetuity and providing for maintenance by parties in interest, are executed by the owners, and recorded in the Registry of Deeds. Evidence of such recording shall be submitted to the Building Commissioner and Planning Board prior to construction of the proposed Common Driveway.
18. Ownership and maintenance of a Common Driveway shall be assured through a restrictive covenant, which binds current and future owners of each lot served by the common driveway, to the responsibility for maintenance, repair, and reconstruction of the common driveway. The language contained in the covenant shall include provisions for the maintenance, repair, and reconstruction of the Common Driveway and its drainage system (as appropriate); provision for access (deed or perpetual easement) and for the allocation of financial responsibility; and a procedure for resolution of disputes. The covenant shall be recorded in the Registry of Deeds, reference to which shall be incorporated in the deed for each lot served by the Common Driveway.

Criteria for Approval of Common Driveway: The Planning Board may deny a Special Permit pursuant to this Section if the Board determines that the proposed Common Driveway is inadequate with respect to materials or method of construction, emergency access, drainage, landscaping, or proposed Covenant provisions. It shall be the responsibility of the applicant under this Section to prove by a preponderance of credible evidence that each of these concerns has been addressed through the proposal and that the proposed Common Driveway enhances the natural environment by providing one or more of the following: reduced pavement or impervious lot coverage; reduced number of curb cuts on public ways, reduced impact to slopes, ledge outcrops or wetlands.

Conditions of Approval: The Planning Board may impose Special Permit conditions relative to Common Driveway alignment, signage, materials, construction standards, drainage, landscaping and screening, financial security, construction inspections, and rights of ownership and maintenance necessary to ensure long-term access and maintenance.

(Approved May 14, 2007) (Approved by the Attorney General November 28, 2007)

5.890 Special Permits: All Special Permits for any use or activity and in any zoning district of the Town shall be subject to all of the following:

A. The specific conditions of the pertinent Section of the Zoning Bylaw permitting the grant of such Special Permit;

B. The specific conditions defined in Paragraphs A., B., C., D., E., F., G., & H. of Section 6.420; and

C. The applicant shall clearly establish to the satisfaction of the Permit Granting Authority or the Special Permit Granting Authority that the proposed use or activity complies with all pertinent provisions of this Zoning Bylaw and is not injurious, noxious, or offensive to the neighborhood.

Section 6 – Use Regulations

SECTIONS SUMMARY

6.000 Residence A District
6.100 Business District
6.200 Commercial District
6.300 Planned Shopping Center District
6.400 Limited Industrial District
6.500 Industrial District
6.600 Fireworks District
6.700 Flood Plain District
6.800 Water Resource Protection District
6.900 Wireless Telecommunications District
6.1.00 Adult Use District
6.11.0 Village Planned Unit Development
6.12.0 Interchange District
6.13.0 Body Art Establishments
6.14.0 Wind Energy Facilities
6.15.0 Medical Marijuana Treatment Centers

Any use not specifically enumerated in this Section shall not be allowed or permitted in any zoning district within the Town.

Adult Uses, as defined in Section 2.100, Definitions, are prohibited in all zoning districts of the Town except as may be permitted in accordance with the specific provisions pertaining to Adult Uses as outlined in the appropriate districts below.

6.000 – RESIDENCE A DISTRICT

The Residence A District is intended for rural, residential and non-commercial uses.

6.010 Uses Allowed: The following uses are allowed in the Residence A District.

A. Conservation areas for water, water supply, plants and wildlife, and dams necessary for achieving this purpose.

B. Farming and horticulture, including raising, harvesting and storing crops, truck gardening, grazing and poultry raising, provided that:

1. no buildings are located within one hundred (100) feet of a district boundary line or way line;

2. animals allowed to graze within one hundred (100) feet of a district boundary line or way line shall be enclosed by fencing.

C. Orchards, nurseries, forests and tree farms, provided that all logging equipment, spraying equipment or other equipment necessary for these uses is stored in an enclosure subject to the provisions of subparagraph B.1., above, relative to the location of farm buildings.

D. Barns, stables and kennels for pets and animals as either an accessory use or for commercial purposes, subject to the provisions of subparagraph B. above of this Section.

E. One (1) single-family dwelling per lot.

F. Display and sale or offering for sale of farm produce providing that such produce is raised on the premises and sold by the owner or the resident of the land, and provided that any stand or other structure shall not be located within twenty-five (25) feet of any way line or side line and provision shall be made for off street parking in accordance with Section 9.

G. Accessory uses, including such normal accessory uses as private garages, storage sheds, tennis courts, swimming pools and other accessory structures.

H. An incidental home occupation which does not employ or utilize non-resident personnel on the premises and which does not alter the exterior appearance of the structure, including the use of signs. Other home occupations or professional offices shall comply with the provisions of Section 6.020 below.

I. Pre-existing, non-conforming single-family or two-family residential dwellings located in the Residence A District on either conforming or pre-existing, non-conforming lots may be altered, reconstructed, extended or structurally changed as a matter of right provided that such alteration, reconstruction, extension or structural change conforms to current provisions of the Zoning Bylaw and provided that there is no extension or intensification of existing non-conformances and no creation of any new non-conformances.

6.020 Uses Permitted by Special Permit from the Zoning Board of Appeals: The following uses may be permitted upon application to and the granting of a Special Permit by the Zoning Board of Appeals, acting as the Permit Granting Authority, under the procedures specified in Section 13. The Special Permit may be granted provided that the applicant clearly establishes that:

1. the use shall not derogate from the intent of the Zoning Bylaw;

2. the use shall not interfere with the safety and privacy of adjoining properties; and

3. the use shall not cause an immediate or potential devaluation of property values of adjoining properties and the general area.

A. Boarding houses or rooming houses for not more than four (4) persons, provided that the house is primarily occupied as a private residence and the number of rooms devoted to this use shall not exceed twenty percent (20%) of the total rooms and provided further that this use is clearly incidental to and secondary to the primary use as a residence.

B. Professional office or customary home occupation, provided that:

1. the use is clearly incidental to and secondary to the primary use as a residence;

2. the profession or customary home occupation is conducted by the owner or resident of the premises;

3. no noise, vibration, smoke, dust, odors, heat, glare, unsightliness or other nuisance is produced which may be discernible from other properties or public ways;

4. there is no public display of goods or wares;

5. there is no exterior storage of material or vehicles or equipment and no exterior evidence of a non-residential use of the premises except for signs as may be permitted by the Town of Hanover Sign Bylaw;

6. there is adequate off-street parking for all employees and visitors.

C. Family Accessory Dwelling Units

1. Purpose

The purpose of this Bylaw is to enable owner occupants of single family homes to provide:

a. Safe, decent, and affordable housing that meets the changing needs of the Hanover community while protecting the character and property values of the Town's single family dwellings;

b. An opportunity for family members who choose to live in proximity, but separate from other family members.

2. Use and Dimensional Regulations

a. A family accessory dwelling unit is a self-contained housing unit incorporated within a single-family dwelling, (not within accessory structures in accordance with this By-law) that is clearly a subordinate part of the single-family dwelling.

b. Family accessory dwelling units shall be designated for one or more persons related to the primary owner-occupant by blood, marriage, or legal adoption.

c. Family Accessory Dwelling Units created under this bylaw shall require a special permit from the Zoning Board of Appeals.

d. The unit will be a complete, separate unit containing both a kitchen and bath.

e. Only one (1) accessory dwelling unit may be created within a dwelling.

f. Only one (1) accessory dwelling unit may be created on any residential lot.

g. The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence, except for bona fide temporary absences.

h. Unless otherwise required by the State Building Code, any new exterior stairs needed to provide primary or secondary means of egress for the accessory dwelling unit shall be located on the side or rear of the building.

i. Off-Street parking spaces shall be available for the use by owner-occupants and tenants. The number of parking spaces required shall be as deemed appropriate by the Zoning Board of Appeals.

j. The proposed attached dwelling unit shall contain no more than thirty three percent (33%), inclusive of all lofts and any attic areas seven feet or greater in height, of the gross area contained in the primary residence, exclusive of all unfinished cellars and attics, or no more than eight hundred (800) square feet of area, whichever is less.

k. An accessory dwelling unit may not have more than two (2) bedrooms.

l. The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local Bylaws and regulations.

m. Upon filing an application for a special permit, the owner-occupants of single-family dwelling units shall also submit a signed affidavit denoting familial status with the Board of Appeals.

n. The owner-occupant shall annually re-certify the status of occupants and family status with the Building Commissioner. The property owner shall be required to notify the Building Commissioner of a change of tenants at any time during the twelve-month period within thirty calendar days of said change.

o. Upon receiving a special permit, the owner(s) must file on subject property a Declaration of Covenants at the Plymouth County Registry of Deeds. The Declaration shall state that the use of the family accessory dwelling unit shall be restricted to relatives of the owner of the premises. A time-stamped copy of the recorded Declaration shall be provided to the Zoning Board of Appeals.

3. Accessory Dwelling Units in Existence Before the Adoption of a Family Accessory Dwelling Unit Bylaw

To ensure that accessory apartments or conversions in existence before the adoption of this Accessory Dwelling Unit Bylaw are in compliance with the State Building Code Regulations the Zoning Board of Appeals may authorize, under a Special Permit and in conjunction with the Building Commissioner, use as a Family Accessory Dwelling Unit.

a. The Board will review each existing use on a case-by-case basis to determine if the dwelling conforms to State Building Code Regulations.

b. The applicant must follow the same procedure described in this Section including the submission of a signed affidavit declaring owner occupancy and familial status and a Declaration of Covenants to be recorded at the Registry of Deeds.

4. Administration and Enforcement

It shall be the duty of the Building Commissioner as the Local Project Administrator, to administer and enforce the provisions of this Bylaw for family accessory dwelling units as follows:

a. No building shall be constructed or changed in use or configuration until the Building Commissioner has issued a permit. No accessory dwelling unit shall be occupied until a certificate of occupancy has been issued by the Building Commissioner where required.

b. The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this by-law or in violation of the conditions or terms of any Special Permit or variance granted by the Zoning Board of Appeals or its agent.

c. Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this section unless the construction or use is begun within a period of not more than six (6) months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner.

d. The dwelling must remain owner-occupied, with the homeowner continuing to occupy at least one of the dwelling units as their primary residence. Any accessory living area without proper documentation recorded and filed with the Town will be subject to fines noted in the Hanover Zoning Bylaw Section 12.500.

e. The Hanover Zoning Bylaw Section 12 -Administration shall be applied in the event of violations, prosecution of violations, and building fees.

f. Appeals shall refer to the procedures in the Hanover Zoning Bylaw Section 12.200.

g. Accessory dwelling units created under this Bylaw shall not be sold separate or apart from the principal structure to which it is an accessory use.

(Amended May 6, 2013) (Approved by the Attorney General August 20, 2013)

D. Museums and playgrounds.

E. Private schools, nursery schools and colleges, provided that there are adequate parking areas in accordance with Section 9, and there is no external change of appearance of any dwelling converted for such use.

F. Cemeteries, hospitals, sanitariums or other medical institutions including nursing homes, non-profit research laboratories or charitable institutions.

G. Municipal Senior Centers and membership clubs for recognized charitable, fraternal, religious, veteran or similar non-profit organizations.

H. A use which is essentially of a similar character to the allowed or permitted uses of the district and which does not derogate from the purpose or intent of this Zoning Bylaw.

6.030 Uses Permitted by Special Permit from the Planning Board

The following uses or activities may be permitted upon application to, and granting of a Special Permit by, the Planning Board, acting as the Special Permit Granting Authority. The grant of a Special Permit hereunder shall be subject to all of the provisions of Section 5.890, Special Permits, of this Zoning Bylaw.

A. The establishment of so-called retreat lots within the Residence A District provided that such lot meets all of the following requirements:

1. Retreat lots shall not be subject to the provisions of Sections 7.210, 7.310, 7.330 & 7.340, but shall be subject to the remainder of the applicable Dimensional Regulations of Section 7 of this Zoning Bylaw.

2. Retreat lots shall have a minimum frontage of not less than fifty (50) feet and a minimum area of not less than sixty thousand (60,000) square feet.

3. Retreat lots shall be designed so that, within the access handle of the lot, a circle with a minimum radius of twenty-five (25) feet may be circumscribed within said access handle and there shall be a point on the perimeter of said circle tangent to a point along the frontage of the lot. The access handle shall be such that said circle can pass unhindered and unimpeded to the rear lot line of the lot without crossing any lot line.

4. Retreat lots which have their frontage along a cul-de-sac shall not be permitted and no retreat lot shall abut more than one way.

5. Retreat lots shall be designed so that, within the buildable portion of the lot, a circle with a minimum radius of one hundred (100) feet may be completely circumscribed so as not to cross any lot line and the proposed residential dwelling on said lot shall be constructed entirely within said requisite circle. Minimum lot area requirements and the buildable area required within the minimum one hundred (100) foot radius requisite circle shall be exclusive of all wetlands resource areas and all easements.

6. Prior to the grant of a Special Permit, the Planning Board shall request a report from the Hanover Fire Department relative to the adequacy of emergency access and relative to effective fire suppression measures. The Planning Board shall use said report in its deliberations for the granting of said Special Permit.

7. No retreat lot shall abut another retreat lot at any point along any lot line and no retreat lot shall be separated from another retreat lot by a so-called slug. For purposes of this Section, a slug shall be defined as a narrow strip or parcel of land or portion of a lot, the primary purpose of which is, in the opinion of the Special Permit Granting Authority, to separate one lot from another.

8. Within any subdivision, laid out as a Definitive Subdivision Plan and approved by the Planning Board pursuant to the Subdivision Control Law, no more than ten percent (10%) of the lots may be approved as, and/or subsequently converted to, so called retreat lots.

9. All applications for Special Permits under this provision shall include a plan showing all wetlands resource areas, easements, and topography of the lot shown at two (2) foot vertical intervals.

10. No lot and/or parcel shall be divided so as to create more than one retreat lot and, once so divided, no lot and/or parcel shall be redivided or combined with another lot so as to produce another such retreat lot.

11. Upon receiving the grant of a Special Permit in accordance with the provisions of this Section, the applicant shall subsequently submit an Approval Not Required Plan (Form A) to the Planning Board for its endorsement and for the purpose of so dividing the existing lot/parcel and creating the approved retreat lot.

6.040 Uses Permitted by Special Permit and with Site Plan Approval

The following uses may be permitted upon application to and granting of a Special Permit and Site Plan Approval by the Planning Board, acting as the Special Permit Granting Authority, as specified in Section 10 of this Zoning Bylaw. The applicant shall clearly demonstrate to the satisfaction of the Board that said use is safe and appropriate for the specific site and that it will not create a nuisance by virtue of noise, odor, smoke, vibration, traffic generated or unsightliness.

A. The establishment of a Planned Residential Development for Seniors (PRDS) subject to all of the requirements, regulations, provisions, and procedures of subsections 1. through 7., below. Failure on the part of the applicant to comply with any of said requirements, regulations, provisions, and procedures may be cause for the denial of the project by the Planning Board.

1. Purpose

The purpose of a PRDS is to provide alternative housing for residents who are 55 years in age or older.

2. General Requirements

a. Any PRDS shall contain a minimum area of not less than twenty (20) acres, of which at least ten (10) acres shall be exclusive of any and all wetlands resource areas or floodplains and any and all easements or covenants restricting in any way the use of said minimum area.

b. Included as a portion of the minimum area required above, any PRDS shall contain a minimum area of not less than five (5) acres to be dedicated as common open space. Said minimum area shall be exclusive of any and all wetlands resource areas or floodplains and any and all easements or covenants which would restrict or prohibit the use of said minimum area as common open space. Said common open space shall be distinctly separate from land used for the construction or dwellings, shall be landscaped or left in a natural state, and shall be for the use and enjoyment of the residents of the PRDS.

c. Except for the Height Regulations of Section 7.100, the PRDS shall not be subject to the Dimensional Regulations of Section 7, but shall be subject to the Area and Dimensional Regulations of Section 3., below.

d. Any PRDS shall contain a Community Center for the use, recreation, and enjoyment of the residents of the PRDS. Said facility shall be subject to the design requirements of Section 5., below, and shall be constructed and fully functional in accordance with the provisions of Section 6.e., below.

e. Any PRDS shall be serviced by a minimum of two (2) access roads or drives unless a divided access road or drive is approved by the Planning Board.

f. Any P.R.D.S. shall include adequate provisions for the disposal of septic waste. Said provisions shall be in compliance with the regulations of both the Department of Environmental Protection (314 CMR 2.00 through 7.00 and 310 CMR 15.00) and the Hanover Board of Health.

g. Recreational facilities and accessory structures, along with their associated uses, for the use of the residents of a PRDS shall be permitted but home occupations, the taking in of boarders, or the renting of rooms shall not be allowed nor permitted.

h. Any person who resides in a PRDS shall be fifty-five years of age or older, provided that an exemption from such requirement shall be provided for a qualified caregiver to an over fifty-five years of age or older resident whose residence is certified to be medically necessary by an attending physician.

i. The maximum number of dwelling units in any specific PRDS shall not exceed four percent (4%) of the total number of dwelling units in the Town as shown on the records of the Board of Assessors for the year in which the application is filed.

j. On any parcel of land utilized for the development of a PRDS, no other uses, except for accessory uses, shall be allowed or permitted.

3. Area and Dimensional Regulations

a. A PRDS shall have a minimum frontage of a distance not less than that required in the underlying zoning district. Said frontage shall be contiguous and uninterrupted for the required distance.

b. In addition to the minimum area requirements of Section 2.b., above, there shall be provided for each dwelling unit in a PRDS a minimum area of eleven thousand (11,000) square feet, said minimum area to be as follows:

i. A minimum area of eight thousand (8,000) square feet shall be reserved for the construction of said dwelling units and garages associated with said dwelling units and said area shall be in accordance with the provisions of Section 2.a., above, relative to wetlands resource areas, floodplains, easements and/or covenants.

ii. A minimum area of three thousand (3,000) square feet shall be added to the minimum area required in Section 2.b., above and said area shall be in accordance with the provisions of that Section relative to wetlands resource areas, floodplains, easements and/or covenants.

c. The minimum area requirements of Sections 2.b and 3.b (1.) & (2.), above, shall be exclusive of all paved surfaces such as roads, drives and parking areas.

d. Except for accessory structures, no structure containing dwelling units and no structure containing a Community Center shall be located closer than forty (40) feet to another such structure nor closer than seventy-five (75) feet to any property line.

e. A buffer area shall be provided around the entire perimeter of a PRDS in accordance with the following:

i. Said buffer area shall be continuous and shall be of a minimum width of not less than fifty (50) feet.

ii. Said buffer area shall be landscaped in accordance with the provisions of Section 8 of this Zoning Bylaw.

iii. Access roads or access drives may be permitted within said buffer area provided that said buffer is maintained along any abutting lots. However, roads or drives internal to the PRDS shall not be so permitted.

4. Dwelling Unit Design Requirements

a. Dwelling units in a PRDS may be comprised of either of the following:

i. All single family dwellings.

ii. All duplex dwellings.

iii. All town houses. A town house structure shall contain not more than five (5) dwelling units per structure.

iv. A mix of single family dwellings, duplex dwellings, and/or town houses containing not more than five (5) dwelling units per structure provided that, if any PRDS is comprised of a mix of dwelling types, no one dwelling type shall constitute more than sixty percent (60%) nor less than thirty percent (30%) of the total number of dwelling units.

b. For the purposes of conserving the value of land and buildings, promoting the aesthetic qualities of the Town, and protecting residential neighborhoods from potential despoliation, all dwellings shall be constructed in accordance with the following:

i. All dwellings shall be of wood, lightweight metal or steel frame construction and shall be constructed on site.

ii. No dwellings or dwelling units shall be of pre-fabricated, factory made, or modular construction, including, but not limited to, mobile homes, modular homes or manufactured homes.

c. Individual dwelling units shall contain not more than two (2) bedrooms per unit.

d. Each dwelling unit shall have two (2) exterior means of access and egress, as such are defined in the Massachusetts State Building Code, 780 CMR, and such exterior means of access and egress shall be separate from those of any other dwelling unit.

e. Each dwelling unit shall have, at a minimum, two (2) sides with full exterior exposure.

f. No floor of a dwelling unit, except for the floor of an unfinished basement, shall be located below the average finished grade of the land abutting said dwelling unit.

g. Each dwelling unit in a structure containing four (4) dwelling units or more shall be equipped with a fire protection residential sprinkler system approved by the Hanover Fire Department.

5. Other Design Requirements

a. All buildings and structures shall be designed in an architectural style consistent with that of a rural suburban New England environment. Said architectural style shall be aesthetically pleasing and compatible with the surrounding neighborhood. Failure to comply with this provision may be cause for the denial of the project by the Planning Board.

b. The Community Center required in Section 2.d., above, shall be designed and constructed in such a fashion so as to provide, at a minimum, a gross floor area equivalent to one hundred (100) square feet for each dwelling unit in the PRDS.

c. All buildings, structures, open spaces, roads and drives, parking areas and other development features shall be designed and located in such a fashion so as to conform, to the greatest extent possible, to the existing natural terrain on the site.

d. All exterior lighting, whether placed along roads, drives, or walks, in parking areas, or on structures or other facilities, shall be arranged and shielded so as not to distract in an unreasonable manner the occupants of any dwelling(s) nor shine directly upon abutting properties and/or public ways. In no instance shall illumination upon the window surface of any dwelling exceed one-half (1/2) foot candle. All exterior lighting shall be of a mercury vapor type.

e. All access roads and drives and all interior roads and drives shall be designed and constructed in accordance with the provisions of the Planning Board Rules & Regulations Governing the Subdivision of Land unless specific provisions are waived by the Board.

f. The placement of structures so as to allow the maximum utilization of direct and passive solar energy shall be encouraged.

g. A minimum of one-half (1/2) of the area required for open space in Sections 2.b. and 3.b. (2), above, shall be left in, or allowed to return to, its natural state unless, in the opinion of the Planning Board, additional landscape measures are required.

h. All developed areas not covered by pavement, curbing, buildings and/or structures shall be landscaped with grass, shrubbery, trees, flowers and/or ground covers indigenous to the area. In addition, along the length of each exterior wall of every principal structure, there shall be an area landscaped with bushes, shrubbery and/or flowers indigenous to the area.

i. There shall be two (2) numbered parking spaces for each dwelling unit for the use of the occupants thereof. In addition, there shall be one parking space for each dwelling unit for visitors. All parking spaces shall be a minimum of ten (10) feet in width by twenty (20) feet in length and within reasonable proximity to the dwelling units which they serve. Numbered parking spaces may be located in garage facilities either attached to, or detached from, the principal structure(s).

j. All existing or proposed utilities and municipal services shall be installed underground at the time of initial construction.

k. Provisions shall be made for the storage, collection and removal of all solid waste. All necessary facilities shall be screened appropriately.

l. All dwellings, structures, and other facilities shall be designed, constructed, and maintained in accordance with the latest Massachusetts' standards for accessibility for the handicapped.

6. Special Provisions

a. All access roads and drives, interior roads and drives, drainage systems, provision for underground utilities and municipal services, and other site improvements shall be shown on a plan prepared in accordance with the provisions of the Planning Board Rules and Regulations Governing the Subdivision of Land as said provisions relate to a Definitive Subdivision Plan.

b. All design requirements, all elements of the PRDS, all site improvements and all other amenities shall be shown on a Site Plan prepared in accordance with Section 10, Site Plan Approval, of this Zoning Bylaw. Included on said Site Plan shall be all dwelling units, the Community Center and all of the elements required under Section 10.100, Site Plan Contents, of this Zoning Bylaw, unless the inclusion of specific elements is waived by the Planning Board.

c. Architectural Plans showing elevations of all typical principal structures shall be prepared by a Registered Professional Architect. All structures shall be designed in a compatible architectural style consistent with that of a rural suburban New England environment. Architectural Plans, as well as the Site Plan required in Section 6.b.,

above, shall be submitted to the Hanover Design Review Board for review. Failure on the part of the applicant to comply with the recommendations of the Design Review Board may be cause for the denial of the project by the Planning Board. Said Architectural Plans shall also be submitted to the Planning Board.

d. During any calendar year, the maximum number of dwelling units that may be constructed in a PRDS shall not exceed one and one half percent (1-1/2%) of the total number of dwelling units in the Town as shown on the records of the Board of Assessors for the year during which the application is approved by the Planning Board.

e. Building permits may be issued for twenty percent (20%) of the dwelling units in a PRDS prior to construction of the Community Center. However, no additional building permits shall be issued until construction of said Community Center has been completed to the satisfaction of the Planning Board.

f. The area of land required in Sections 2.b. and 3.b.(2.), above, to be dedicated as common open space shall be placed in the common ownership of all of the individual owners of the dwelling units in the PRDS. Said ownership and the use and maintenance of such common open space shall be determined by an agreement, duly executed in a form suitable for recording by the owner, or owners, of such common open space. Such agreement shall provide for the permanent retention of said common open space and shall provide that, in the event that the Planning Board shall grant a Special Permit hereunder, such permanent common open space shall be owned by the owner, or owned in common by the owners, of the dwelling units within the PRDS and such ownership shall run with the title to the dwelling units and shall not be separately alienable. The format and content of said agreement shall be reviewed by Town Counsel and shall be such as to be acceptable to the Planning Board.

g. In addition to the agreement required in Section 6.f., above, Covenants or Deed Restrictions, reviewable by Town Counsel and acceptable to the Planning Board, shall be prepared to ensure the following:

i. The dwelling units in the PRDS shall be occupied only by persons fifty-five (55) years of age or older except for guests visiting for short durations, not to exceed thirty (30) days in a calendar year.

ii. That responsibility for the upkeep, maintenance, plowing and sanding of roads, drives, walks and parking areas within the PRDS shall fall to the owner, or owners, of the dwelling units in the PRDS.

iii. That adequate provisions are in place to accomplish the collection and removal of solid waste and that the associated cost, as well as any costs associated with septic waste disposal, shall be borne by the owner, or owners, of the dwelling units in the PRDS.

h. Evidence, satisfactory to the Planning Board, that agreements, covenants and/or deed restrictions required by Sections 6.f. & g., above, have been recorded at the

Registry of Deeds shall be submitted to the Board prior to the issuance of any Occupancy Permit by the Building Inspector. The Planning Board shall so notify the Building Inspector of satisfactory compliance with this provision and the Building Inspector shall not issue Occupancy Permits until so notified.

i. In addition to the information required in Section 6.b., above, the Site Plan shall include the following:

i. Total area of the parcel.

ii. Total area of all wetlands resource areas, floodplains and land restricted by covenants or easements.

iii. Total area to be reserved for the construction of dwelling units and the Community Center.

iv. Total area to be dedicated as Common Open Space.

v. Total area to be devoted to paved surfaces to include roads, drives and parking areas.

j. The Planning Board shall require as a condition of approval and as a requisite for the granting of a Special Permit that, prior to the issuance of building permits, the construction of access ways and drives, the installation of municipal services, and the provisions for landscaping and other amenities shall be secured by a deposit of money or negotiable securities sufficient in the opinion of the Board to secure said performance.

7. Procedure

a. The applicant shall submit an application for Special Permit and Site Plan Approval in accordance with the provisions of Section 10 of this Zoning Bylaw and in accordance with the following:

i. Prior to submitting a formal application, the applicant shall meet at least twice with the Planning Board in order to discuss the concept of the proposal.

ii. The Planning Board may request an outline of the concept and/or a limited plan of the proposal. The Planning Board shall determine whether additional meetings are required and shall so notify the applicant in a timely fashion, not to exceed thirty (30) days.

iii. At the conclusion of said meetings, the Planning Board shall indicate whether, in the opinion of the Board, the concept does, or does not, have merit. A positive indication is not a guarantee that the formal application will be approved nor is a negative indication a determination that a formal application shall not be approved.

iv. If the applicant desires to proceed with the proposal, he/she shall submit a formal application within sixty (60) days of the date upon which the Planning Board issues the positive or negative indication referenced in Section (3), immediately above.

v. Within one (1) week of submitting a formal application to the Planning Board, the applicant shall submit to the Design Review Board the Site Plan and Architectural Plans in accordance with Section 6.c., above.

b. The Planning Board shall review said application for Special Permit and Site Plan Approval in accordance with the provisions of this Zoning Bylaw, Sections 6 & 11 of Chapter 40A (The Zoning Act) and Sections 81K through 81GG, inclusive, of Chapter 41 (The Subdivision Control Law) of the Massachusetts General Laws, the Planning Board Rules and Regulations Governing the Subdivision of Land, and the Rules and Regulations of the Planning Board relative to the Grant of Special Permits.

c. All applications shall be reviewed by the Planning Board's Consultant Review Engineer. The applicant, in accordance with the Planning Board Rules and Regulations, shall deposit with the Treasurer of the Town funds equal to five thousand dollars ($5,000.00) for the purpose of covering the costs associated with said engineering review. Unexpended funds shall be returned to the applicant.

6.100 – BUSINESS DISTRICT

The Business District is intended to provide consumer goods and services on a retail level primarily within a structure.

6.110 Uses Allowed: The following uses are allowed in the Business District.

A. Retail store or service establishment, the principal activity of which shall be the offering of goods or services at retail within the building.

B. Business or professional offices or banks.

C. Restaurants, catering services, and other places for serving food to be consumed within the structure. If the total volume of "take-out" is less than five percent (5%) of the total volume, such use may be allowed if it is obviously incidental to the main business, and is obviously of a minor and secondary nature.

D. Parking areas or garages for use of employees, customers, or visitors, subject to the design standards and provisions of Section 9 of this Bylaw.

E. Public, religious or denominational schools, churches and religious buildings or uses.

F. Membership clubs.

G. Accessory buildings and uses.

H. Signs, provided that such are in conformance with the Town of Hanover Sign Bylaw.

I. Day Care Centers.

J. Agriculture, horticulture, or floriculture, provided that such uses are located on parcels containing a minimum of five (5) acres.

6.120 Uses Permitted by Special Permit from the Zoning Board of Appeals

The following uses may be permitted upon application to and granting of a Special Permit by the Zoning Board of Appeals as provided in Section 13. The following uses require the approval of the Board and shall be based on its satisfaction that the use is appropriate and is not prejudicial to the future development of the Business District.

A. Single family detached dwellings, subject to the dimensional requirements applicable in the Residence A District. (See Section 7.)

6.130 Uses Permitted by Special Permit from the Planning Board

The following uses may be permitted upon application to and granting of a Special Permit by the Planning Board. The applicant shall clearly demonstrate to the Board that such uses are appropriate to the specific site and that they will not create a nuisance and not cause a derogation of the intent of this Bylaw by virtue of noise, odor, smoke, vibration, traffic generated or unsightliness.

A. Uses permitted in a Limited Industrial District providing that said uses meet the conditions specified in Section 6.420.

B. Multiple-use buildings, containing one or more business facilities and not exceeding one (1) single-family residential unit which is secondary to the business use of the premises, subject to the determination by the Board that the lot frontage, size and proposed residential floor area and setbacks either meet the requirements applicable in the Residence A District or are appropriate for the particular use proposed.

C. Industrial right-of-way, where access to land located in the Limited Industrial District, the Industrial District or the Fireworks District is separated from a public way by the Business District.

D. Municipal Police Stations.

E. Planned Residential Development for Seniors in accordance with the provisions of Section 6.040 of this Zoning Bylaw.

F. Drive-in windows for banks, drugstores, and other similar businesses, allowed or permitted in the Business District, but not drive-in or drive-thru restaurants, provided that the lot upon which the business is situated meets the minimum lot area requirements for the district and provided that the application is in accordance with the provisions of Section 5.890 of this Zoning Bylaw.

6.200 – COMMERCIAL DISTRICT

The Commercial District is intended to provide consumer goods and services on a retail level, goods and services for transients or tourists, and non-consumer goods and services.

6.210 Uses Allowed: The following uses are allowed in the Commercial District.

A. Uses allowed in the Business District pursuant to Section 6.110.

B. Museums.

C. Gift shops and places for display or sale of handcrafts primarily within a structure.

D. Day Care Centers.

6.220 Uses Permitted by Special Permit

The following uses may be permitted upon application to and granting of a Special Permit by the Planning Board. The applicant shall clearly demonstrate to the Board that such uses are appropriate to the specific site and that they will not create a nuisance or not cause a derogation of the intent of this Bylaw by virtue of noise, odor, smoke, vibration, traffic generated or unsightliness.

A. Hotels, motels or boarding/rooming houses.

B. Restaurants or other places for food service primarily within a structure but with incidental service not confined within said structure.

C. Salesrooms for bicycles, boats, farm equipment and similar equipment provided that the display of goods occurs primarily within a structure and that any exterior storage or display is confined to yards screened from public view by fencing and vegetation.

D. Membership Clubs but only for recognized charitable, fraternal, religious, veteran or similar non-profit organizations.

E. Contractors' yards and storage yards provided that all materials and equipment are stored within a structure or shielded from public view by fencing and vegetation.

F. Funeral homes, mortuaries or crematories.

G. Passenger depots and terminals.

H. Utility structures and warehouses.

I. Theaters, halls, bowling alleys, skating rinks, clubs and other places of indoor amusement or assembly.

J. Agriculture, horticulture or floriculture, provided that such uses are located on parcels containing a minimum of five (5) acres.

K. Industrial right-of-way, where access to land located in the Limited Industrial District, the Industrial District or the Fireworks District is separated from a major public way by the Commercial District.

L. Any use permitted in the Limited Industrial District, in accordance with the conditions specified in Section 6.420 provided that the applicant has applied for and received a Special Permit from the

Planning Board. The applicant shall make a satisfactory demonstration to the Board that such uses are appropriate to the specific site and that they will not create a nuisance and not cause a derogation of the intent of this Bylaw by virtue of noise, odor, smoke, vibration, traffic generated or unsightliness.

M. Planned Residential Development for Seniors in accordance with the provisions of Section 6.040 of this Zoning Bylaw.

N. Drive-in windows for banks, drugstores, restaurants, and other similar businesses, allowed or permitted in the Commercial District, provided that the lot upon which the business is situated meets the minimum lot area requirements for the district and provided that the application is in accordance with the provisions of Section 5.890 of this Zoning Bylaw.

6.230 Uses Permitted by Special Permit and with Site Plan Approval

The following uses are permitted upon application to and granting of a Special Permit and Site Plan Approval by the Planning Board, acting as the Special Permit Granting Authority, as specified in Section 10 of this Bylaw. The applicant shall clearly demonstrate to the Board that said use is safe and appropriate for the specific site and that it will not create a nuisance by virtue of noise, odor, smoke, vibration, traffic generated or unsightliness.

A. Gas stations, service stations, repair garages and automobile dealerships, provided that:

1. Repairs shall be limited to minor repairs and adjustments unless conducted within a structure.

2. There shall be no storage of motor vehicles, appliances and equipment on the premises other than those in process of repair or awaiting delivery or in an enclosed structure.

3. The area used to service, repair or store vehicles shall be paved to the satisfaction of the Board of Public Works.

4. The parking provisions of Section 9 shall apply to these uses.

5. There shall be no other use on the lot excepting that a secondary use may be permitted by the Planning Board but only if it is closely related to and/or clearly incidental to the primary use under this Section.

   a. Gross Floor Space for incidental use only shall not exceed 250 square feet.

6. Additional retail use may be allowed as secondary to a gas station only, provided that:
   a. There shall be no repairs, or service of any vehicles on the site.

   b. There shall be no storage of motor vehicles, appliances or equipment associated with vehicle repair allowed on the site.

   c. Secondary retail use shall be limited to convenience stores only and shall be limited to the sale of certain items as determined by the Planning Board.

7. Gas pumps, canopies, air meters or similar accessory equipment shall be considered structures for the purposes of lot coverage, density, setback and yard requirements.

6.300 – PLANNED SHOPPING CENTER DISTRICT

The purpose of the Planned Shopping Center District is to provide for the orderly maintenance, development and growth of the district as an area shopping center which provides goods and services at retail for residents, transients and tourists and to assure that shopping centers in the district are allowed to evolve and change in a commercially competitive manner consistent with current industry standards for area shopping centers, while avoiding commercial blight and protecting the Town from adverse impacts associated with unplanned development.

6.310 Uses Allowed

A. Uses allowed in the Commercial District. (Section 6.210).

6.320 Uses Permitted by Special Permit

A. Uses permitted by Special Permit in the Commercial District subject to the same conditions (Section 6.220).
B. Assisted Living Facilities provided such use is within seven hundred (700) feet of both Mill Street and the Town Line.

6.330 Uses Permitted by Special Permit and with Site Plan Approval

A. Uses permitted by Special Permit and with Site Plan Approval in the Commercial District subject to the same conditions (Section 6.230, subparagraph A., only).

6.400 – LIMITED INDUSTRIAL DISTRICT:

The Limited Industrial District is intended for use by research laboratories, office buildings and light industries which are compatible with a low-density, rural community.

6.405 Uses Allowed: The following uses are allowed in the Limited Industrial District.

A. Single story business and/or professional office buildings provided that there is no secondary or accessory use on the site which use itself requires a Special Permit and provided that an application for Site Plan Approval for the site has been submitted to, and approved by, the Planning Board, acting as the Special Permit Granting Authority, said application being in conformance with Section 10 of this Zoning Bylaw.

6.410 Uses Permitted by Special Permit

The following uses may be permitted upon application to and granting of a Special Permit by the Planning Board, acting as the Special Permit Granting Authority, subject to the conditions specified in Section 6.420, below.

A. Research laboratories with incidental assembly or test manufacturing.

B. Manufacturing enterprises and retail sales only as a secondary use for goods manufactured on the premises.

C. Building materials salesrooms, utility structures, contractors' yards, storage warehouses and buildings and wholesale distribution plants, provided that all loading and unloading is done at the rear or side of the building and that all storage and/or display of goods shall be within the building.

D. Printing or publishing establishments, photographic studios, medical or dental laboratories, provided that all loading and unloading is done at the rear or side of the building and that all storage and/or display of goods shall be within the building.

E. Cafeterias for employees and other normal accessory uses, when contained in the same structure as a permitted use and not open to the general public.

F. Business and/or professional office buildings which do not meet the requirements of Section 6.405A., above.

G. Agriculture, horticulture or floriculture, provided that such uses are located on parcels containing a minimum of five (5) acres.

H. Barns, stables and kennels for pets, guard dogs, or commercial purposes. provided that they meet the provisions of Section 6.010 of this Bylaw.

I. Planned Residential Development for Seniors in accordance with the provisions of Section 6.040 of this Zoning Bylaw.

J. Commercial right-of-way, where access to land located in the Commercial District is separated from a major public way by the Limited Industrial District.

6.420 Conditions for Development in a Limited Industrial District

The following conditions shall apply to all new development projects in a Limited Industrial District*:*

A. Building construction: All buildings shall be constructed in accordance with the Massachusetts State Building Code, 780 CMR as may be amended.

B. Odor, dust and smoke: No such emissions shall be discernible beyond the property line or, in the case of an industrial park development or multiple use of the property, beyond one hundred (100) feet from the building generating the emission, except that in no case shall the discharge from any source exceed the following limits:

1. Smoke measured at the point of discharge into the air shall not exceed a density of No. 1 on the Ringlemen Smoke Chart as published by the U.S. Bureau of Mines, except that smoke of a density not darker than No. 2 on the Ringlemen Chart may be emitted for not more than three (3) minutes in any one (1) hour.

2. Lime dust, as calcium oxide (CaO), measured at the property line of any lot on which the activity creates such dust, shall not exceed the ten (10) micrograms per cubic meter of air.

3. Total particulate matter measured at all stacks or other points of emission to the air shall not exceed thirty (30) grams per hour per acre of land included in the lot.

4. All measurements of air pollution shall be completed with procedures and equipment approved by the Building Inspector and shall be of the latest generally recognized development and design readily available.

5. No open burning shall be allowed or permitted.

6. Odors shall not exceed the smallest values given in Title III (Odor Thresholds) in Chapter 5 of the "Air Pollution Manual," Manufacturing Chemists Association, Inc., Washington, D.C., according to the latest edition of such table for the compounds described therein.

C. Noise: The noise generated on any lot, measured at any point beyond the property lines of the lot on which the noise source is located, shall not cause the total sound level to be more than three (3) decibels above the natural ambient sound level except as provided below:

1. For not more than five (5) minutes in any one (1) hour the noise generated shall not cause the total sound level to be more than ten (10) decibels above the natural ambient sound level.

2. For not more than sixty (60) minutes in any seven (7) day period the noise generated shall not cause the total sound level to be more than thirty (30) decibels above natural ambient sound level.

3. Noise making devices which are maintained and are utilized strictly to serve as safety warning devices are excluded from these regulations.

4. Measurements shall be conducted by personnel approved by the Building Inspector using the "A" weighing on a standard commercial total sound level instrument approved by the Building Inspector. For the purpose of this Bylaw the natural ambient sound level shall be assumed to be forty (40) decibels above 0.0002 microbar during the hours of daylight, and thirty (30) decibels above 0.0002 microbar at all other times.

D. Heat, glare, vibration and radiation: No heat, glare or vibration shall be discernible from the outside of any structure, and all radiation shall be contained within a structure.

E. Exterior lighting: No exterior lighting, other than street lighting approved by the Selectmen, shall shine on adjacent properties or towards any street in such manner as to create a nuisance or hazard.

F. Storage: All materials, supplies and equipment shall be stored in accordance with The Rules and Regulations of the Board of Fire Prevention Regulations issued pursuant to Chapter 148, Section 10, of the Massachusetts General Laws and shall be screened from view from public ways or abutting properties by an opaque fence or screening at least six (6) feet high but not more than twenty (20) feet high.

G. Waste disposal and water supply: Regulations of the Department of Environmental Protection (314 CMR 2.00 through 7.00 and 310 CMR 15.00) and the Hanover Board of Health shall be complied with and such compliance shall be indicated on the approved Site Plan.

H. Screening, surfacing, parking and signs: All screening, surfacing, parking and signs shall be in accordance with the provisions of Sections 8 and 9 of this Bylaw and the Town of Hanover Sign Bylaw.

6.500 – INDUSTRIAL DISTRICT

The purpose of the Industrial District is to promote the redevelopment of older industrial areas in a way beneficial to both the business owners and the residential abutters.

6.505 Uses Allowed

The following uses are allowed in the Industrial District.

A. Single story business and/or professional office buildings provided that there is no secondary or accessory use on the site which use itself requires a Special Permit and provided that an application for Site Plan Approval for the site has been submitted to, and approved by, the Planning Board, acting as the Special Permit Granting Authority, said application being in conformance with Section 10 of this Zoning Bylaw.

6.510 Uses Permitted by Special Permit

The following uses may be permitted upon application to and the granting of a Special Permit by the Planning Board, acting as the Special Permit Granting Authority, subject to the conditions specified in Section 6.420.

A. Uses permitted by Special Permit in the Limited Industrial District (Section 6.410).

B. Contractors' yards and storage yards, provided that all materials and equipment are stored within a structure or shielded from public view by fencing and vegetation in accordance with Section 8, of this Bylaw.

C. Utility structures and warehouses.

D. Boat storage and repair.

6.520 Special Permit for Increased Lot and Building Coverage

Building coverage and lot coverage may be increased beyond the limits specified in Section 7 if a Special Permit is obtained from the Planning Board, acting as the Special Permit Granting Authority. Building coverage may be increased to thirty-five percent (35%) of buildable upland and lot coverage may be increased to seventy percent (70%) of buildable upland subject to the following criteria and requirements:

A. For lots fronting on a public way or across the public way in which residential uses and/or the Residence A District are located, the minimum front buffer shall be fifty (50) feet and landscaping requirements shall be two and one-half (2 ½) times the requirements specified in Section 8 of this Bylaw.

B. For lots abutting a residential use and/or the Residence A District at the side or rear lot lines, landscape plantings shall be double the requirements specified in Section 8 of this Bylaw.

C. The Planning Board shall consider the project's impact on traffic, neighboring streets, scale of the proposed building, drainage, environmental resources, and residential neighborhoods that abut the project locus or are used for vehicular access to the project within one thousand (1,000) feet of the lot.

6.530 Special Permit for Small Additions

Notwithstanding the above provisions, the owner of a lot may obtain a Special Permit from the Planning Board, acting as the Special Permit Granting Authority for a one-time addition to an existing structure up to five hundred (500) square feet in size within setbacks. The applicant shall clearly demonstrate to the Planning Board that the addition does not create a nuisance and does not derogate from the intent of this Bylaw by virtue of noise, odor, smoke, vibration, traffic generated, unsightliness or impact on abutters. In no case shall such an expansion be made within two hundred (200) feet of a dwelling unit or within ten (10) feet of a property line.

6.600 – FIREWORKS DISTRICT

The purpose of the Fireworks District is to accommodate the existing uses and structures in that district and to promote the redevelopment of older industrial areas in a way which is beneficial to current and potential businesses and to the residents of the Town.

6.605 Uses Allowed: The following uses are allowed in the Fireworks District:

A. Single story business and/or professional office buildings provided that there is no secondary or accessory use on the site which use itself requires a Special Permit and provided that an application for Site Plan Approval for the site has been submitted to, and approved by, the Planning Board, acting as the Special Permit Granting Authority, said application being in conformance with Section 10 of this Zoning Bylaw.

B. Renewable or alternative energy research and development facilities, and renewable or alternative energy manufacturing facilities, subject to Site Plan Review by the Planning Board, pursuant to Section 10 (Site Plan Approval) and subject to the dimensional requirements of Section 7 (Dimensional Regulations). Said Site Plan Approval shall be an "expedited" application and permitting process under which said facilities may be sited within one (1) year from the date of initial application to the date of final approval by the Planning Board. For the purposes of this section Renewable Energy shall be as defined in Section 2.100.

6.610 Uses Permitted by Special Permit

The following uses may be permitted upon application to and the granting of a Special Permit by the Planning Board, acting as the Special Permit Granting Authority, subject to the conditions specified in Section 6.420 of this Bylaw.

A. Uses permitted by Special Permit in the Limited Industrial District (Section 6.410).

B. Uses permitted by Special Permit in the Industrial District (Section 6.510).

6.620 Special Dimensional Regulations Permitted by Special Permit

Notwithstanding the dimensional requirements set forth in Section 7, existing facilities and structures in the Fireworks District on an undersized lot may be reconstructed, rehabilitated, enlarged or altered after the

issuance of a Special Permit by the Planning Board, acting as the Special Permit Granting Authority, subject to the following conditions:

A. The existing footprint of the structure shall not be expanded unless such expansion can be achieved in accordance with the dimensional requirements of Section 7, other than minimum lot size;

B. On lots that exceed the existing allowable dimensional regulations of Section 7, a structure may be enlarged only by the addition of a second story where one did not previously exist. On lots that meet the dimensional regulations of Section 7, except for minimum lot size, a structure may be enlarged by the expansion of the first floor or by the addition of a second story;

C. The lot shall be landscaped in accordance with Section 8;

D. Buffers shall be provided as set forth in Section 8; except in those instances where the standards cannot be met, the remaining unbuilt portion of the lot shall serve as the buffer area;

E. Outdoor storage of vehicles or equipment shall be limited to two (2) and they shall be stored on paved areas with adequate provisions for collecting stormwater runoff; and

F. Parking shall be provided as required by Section 9 unless specifically waived by the Planning Board.

6.630 Special Permit for Increased Lot and Building Coverage

Building coverage and lot coverage may be increased beyond the limits specified in Section 7 if a Special Permit is obtained from the Planning Board, acting as the Special Permit Granting Authority. Building coverage may be increased to thirty-five percent (35%) of buildable upland and lot coverage may be increased to seventy percent (70%) of buildable upland subject to the following criteria and requirements:

A. For lots fronting on a public way or across the public way in which residential uses and/or the Residence A District are located, the minimum front buffer shall be fifty (50) feet and landscaping requirements shall be two and one-half (2 ½) times the requirements specified in Section 8 of this Bylaw.

B. For lots which abut the Residence A District along either a side or rear lot line, landscape plantings shall be double the requirements specified in Section 8 of this Bylaw along those lot lines, and only those lot lines, which specifically abut said Residence A District.

C. Notwithstanding the provisions of Section 7.630 of this Zoning Bylaw, along lot lines which do not abut the Residence A District, the measurements for both buffer areas and setbacks shall be taken from the appropriate lot line.

D. The Planning Board shall consider the project's impact on traffic, neighboring streets, scale of the proposed building, drainage, environmental resources, and residential neighborhoods that abut the project locus or are used for vehicular access to the project within one thousand (1,000) feet of the lot.

6.640 Special Permit for Small Additions

Notwithstanding the above provisions, the owner of a lot may obtain a Special Permit from the Planning Board, acting as the Special Permit Granting Authority, for a one-time addition to an existing structure up to

five hundred (500) square feet in size within setbacks. The applicant shall clearly demonstrate to the Planning Board that the addition does not create a nuisance and does not derogate from the intent of this Bylaw by virtue of noise, odor, smoke, vibration, traffic generated, unsightliness or impact of abutters. In no case shall such an expansion be made within two hundred (200) feet of a dwelling unit or within ten (10*)* feet of a property line.

6.700 – FLOOD PLAIN DISTRICT

The Flood Plain Protection District is intended to provide that land subject to seasonal or periodic flooding shall not be used for residential or other purposes when such use will endanger the health and safety of the occupants thereof, or of the public generally; to assure the continuation of the natural flow pattern of water courses necessary to provide adequate and safe flood water storage capacity to protect persons and property against the hazards of flood inundation; to protect, preserve and maintain the water table and water recharge areas so as to preserve present and potential water supplies; and to preserve the natural character of land within the District.

6.710 Applicability

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Hanover designated as Zone A, AE, and AH on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Hanover are panel numbers 25023C0094J, 25023C0111J, 25023C0113J, 25023C0114J, 25023C0118J, 25023C0182J, 25023C0184J, 25023C0201J, 25023C0202J, 25023C0203J, and 25023C0206J dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk *(and anywhere else they may be on file)*

6.720 Restrictions

Within a Flood Plain Protection District no building, wall, dam, bridge or other structure shall be erected, constructed, altered, enlarged, otherwise created, or moved for any residence or other purpose, except as provided in this Section.

In a riverine situation, the Town of Hanover Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
  Massachusetts Department of Conservation and Recreation
  251 Causeway Street, Suite 600-700
  Boston, MA 02114-2104
- NFIP Program Specialist
  Federal Emergency Management Agency, Region 1
  99 High Street, 6th Floor
  Boston, MA 02110

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit

must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;

- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

6.730 No dumping, filling, excavating or transferring of any material, including, but not limited to, trash, rubbish, garbage or other waste materials, gravel, sand or loam shall be allowed or permitted, except as provided in this Section.

6.740 In the floodway designated on the Flood Insurance Rate Map, all encroachments, including fill, new construction, substantial improvements to existing structures and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood. Any encroachment meeting the above standard shall also comply with the flood plain requirements of the Massachusetts State Building Code (780 CMR), as amended.

6.750 Specific Flood Zone Requirements:

A. Within Zone A as designated on the FIRM and where the base flood elevation is not provided, the applicant shall obtain any base flood elevation data and shall provide it to the Planning Board for review and approval. The applicant shall provide evidence that it can meet the elevation or flood-proofing requirements, as appropriate, of the Massachusetts State Building Code, as amended.

B. Within Zone AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

C. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

6.760 Uses Allowed: The following uses are allowed in a Flood Plain District:

A. Conservation of soil, water, plants and wildlife.

B. Any woodland, grassland, wetland or agricultural use of land not requiring filling or excavating.

C. Forestry, grazing, farming, nurseries, truck gardening and harvesting of crops not requiring filling or excavating.

D. Proper operation and maintenance of dams and other water control devices, including temporary alteration of the water level for emergency purposes.

E. Accessory uses, such as flower or vegetable gardens, lawns, pasture or forestry areas.

F. Emergency repair and ordinary maintenance undertaken by the Town or the Commonwealth of Massachusetts within a public right-of-way in existence at the time of adoption of this Section.

6.770 Uses Permitted by Special Permit

The following uses are permitted upon the granting of a Special Permit from the Planning Board, acting as the Special Permit Granting Authority, subject to the procedure established in Section 6.790:

A. Construction, operation and maintenance of dams and other water control devices.

B. Bridges and like structures providing passage between lands of the same owner, provided that such bridges and structures shall be constructed, maintained and used at the expense and risk of such owner.

C. Recreation, including boating, fishing, hunting (where legally permitted) and landings not requiring fill or excavating.

D. Driveways and roads, but only where alternative means of access are impractical.

E. Accessory structures for uses allowed, permitted or exempted in Sections 6.760, 6.770 and 6.780 provided that all such construction complies with the provisions of the Massachusetts Building Code (780 CMR), as may be amended.

6.780 Exemptions

The following exemptions shall apply in a Flood Plain District:

A. Existing buildings and structures within the Flood Plain Protection District may be repaired, rebuilt, modified or flood-proofed, for uses that are allowed or permitted or are legally pre-existing, non-conforming in the underlying zoning district within which the land is situated in accordance with Section 4 provided that such repairs or modifications are accomplished in a manner which does not increase ground coverage and provided that all such construction complies with the provisions of the Massachusetts Building Code (780 CMR), as may be amended.

B. Any building for which a building permit was issued, or a notice of intent under Section 40 of Chapter 131 of the Massachusetts General Laws was filed, prior to the date of adoption of this Section of the Bylaw may be constructed and built in accordance with plans lawfully approved and thereafter may be repaired, rebuilt, modified or flood-proofed in a manner which does not increase ground coverage.

6.790 Procedure

Any person seeking a Special Permit pursuant to Section 6.770, above, shall submit to the Planning Board twelve (12) copies of an application for a Special Permit to undertake such an action within the Flood Plain Protection District. The Planning Board shall transmit one (1) copy of the application to the Board of Health and to the Conservation Commission.

A. The Planning Board shall not approve plans submitted for a Special Permit unless it has received a report from the Board of Health and the Conservation Commission, or thirty-five (35) days have elapsed after transmittal of said application without receipt of such a report.

B. The Planning Board shall hold a public hearing in accordance with the provisions of Section 11 of Chapter 40A of the Massachusetts General Laws within sixty-five (65) days of the filing of a plan for approval under this Section.

C. The Planning Board may approve plans submitted under this Section if it finds that, in addition to the purposes established above, the plans make adequate provisions for all of the following:

1. the protection, preservation and maintenance of the water table and water recharge areas;

2. the preservation of the natural river channel plus sufficient width of over bank areas for the passage of flood flows;

3. the retention of existing flood water storage capacity;

4. the design of proposed construction in a manner which ensures anchoring to prevent flotation, collapse and/or excessive movement of the structure; and

5. the design of public utilities in a manner which will minimize or eliminate flood damage.

6. All subdivision proposals must be to designed to assure that:

   A. such proposals minimize flood damage;
   B. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
   C. adequate drainage is provided to reduce exposure to flood hazards

D. The Planning Board may approve plans submitted in accordance with the above if it finds that the land to be utilized is:

1. not within the Flood Plain Protection District due to location and/or elevation;

2. not subject to flooding;

3. capable of providing suitable drainage conditions for any use which would otherwise be allowed or permitted in the underlying zoning district; and

4. such that it does not interfere with the general purposes for which the Flood Plain Protection District is established.

E. Except for Uses Permitted under Section 6.770A., B. & D., above, no approval shall be granted for construction within either twenty-five (25) feet of the centerline of any brook, stream or river or twenty-five (25) feet of the high waterline of any water body, whichever is greater.

F. Any person who wishes to obtain approval of plans for one of the above reasons shall submit, as part of an application for Special Permit submitted in accordance with this Section, a plan certified by a registered Land Surveyor for the lot on which said structure is intended to be constructed showing elevations of land contours at one (1) foot intervals to the same base as that utilized in preparation of the Flood Plain Protection District maps.

6.800 – WATER RESOURCE PROTECTION DISTRICT

The purpose of the Water Resource Protection District is to protect the water supply of the Town of Hanover from harmful and hazardous pollutants and contaminants by preventing the degradation of surface and ground water supplies within the district.

6.810 Applicability

A. The Water Resource Protection District shall be considered as overlaying other zoning districts.

B. The Water Resource Protection District includes several Well Protection Zones and an Aquifer Protection Zone.

C. The Well Protection Zones are based on a thirty (30) day travel time contour resulting from seven (7) day continuous pumping tests as further defined on specific maps for each well field. Said maps are a part of the Hanover Zoning Map.

D. The Aquifer Protection Zone is defined as that area in which the permeability, saturated thickness and direction of surface or ground water flow indicate a direct supply of water to the Town of Hanover wells.

6.820 Administrative Authority

A. The Hanover Planning Board shall be the Special Permit Granting Authority for purposes of this Section. The Hanover Planning Board shall have the authority to grant Special Permits as herein defined subject to the provisions of this Bylaw. A Special Permit may be granted if the Hanover Planning Board determines, in conjunction with other Town agencies as specified in Section 10, that the intent of this Section and the specific criteria of both this Section and Section 10 are met. In making such determination, the Board shall consider the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures failed. In particular, for all new development, and expansion of existing non-residential and multi-family residential development within the district, groundwater quality shall not violate state and federal drinking water standards at the downgradient property boundary.

B. This Section shall be administered concurrently and in conformance with the requirements for Site Plan Approval established by Section 10 of this Bylaw, as amended.

C. Reports and recommendations of the Board of Public Works and the Board of Health as pertaining to water supply protection and sewage disposal respectively shall be deemed conclusive by the Planning Board provided that the Board of Public Works and the Board of Health have implemented and published reasonable rules and regulations governing the same within the district, or that the Town adopts a bylaw establishing a standard of performance for waste disposal systems.

D. Whenever Site Plan Approval is required in the Water Resource Protection District, the applicant shall have obtained a Certificate of Water Quality Compliance from the Board of Public Works. Lacking said Certificate shall be cause for denial of the Site Plan.

E. All Uses Allowed and Uses Permitted by Special Permit within the Water Resource Protection District shall be required to satisfy all provisions of the regulations promulgated by the Board of Public Works and by the Board of Health as those regulations pertain to water quality and waste disposal.

F. Whenever construction of any type is proposed within the Water Resource Protection District, in addition to, and in conjunction with, the issuance of a Certificate of Water Quality Compliance referenced in Subsection D., above, Engineering Plan Review and/or Engineering Construction Review may be required when deemed necessary by the Board of Public Works. Oversight of any such review shall be borne by the applicant in accordance with regulations promulgated by the Board of Public Works.

6.830 Use Regulations

Uses which may be found or determined to be hazardous to the water supply of the Town of Hanover or uses which fail to meet the requirements of the regulations established by the Board of Public Works, the Board of Health and/or Planning Board, shall be disapproved.

6.840 Prohibited Uses

Certain uses shall be deemed to be hazardous to the water supply of the Town of Hanover and are therefore prohibited. These uses shall include, but not be limited to, the following:

A. Commercial establishments or municipal facilities for the washing, servicing, or repair of motor vehicles, airplanes, or boats.

B. Motor vehicle body shops or repair garages.

C. Junk and salvage yards.

D. Trucking or bus terminals.

E. Dry cleaning establishments and/or coin or commercial laundries where cleaning is performed on the premises.

F. Storage of liquid hazardous materials, as defined in M.G.L. c. 21E, and/or liquid petroleum products unless such storage is:

a. above ground level, and on an impervious surface, and
b. either in container(s) OR above-ground tank(s) within a building, OR outdoors in covered container(s) OR above-ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers OR 110% of the largest container's storage capacity, whichever is greater; however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements.

G. Sale, storage or disposal of engine coolants or anti-freeze.

H. Use, storage, or disposal of hazardous waste as defined by the Hazardous Waste Regulations under the Provisions of Chapter 21C of the Massachusetts General Laws.

I. Mining operations or gravel removal.

J. Hairdressing and beauty shops.

K. Discharge of wastewater containing other than normal sanitary waste.

L. Sanitary landfills, disposal of solid wastes other than brush and stumps, and disposal of brush and stumps by burial with less than four (4) feet of clearance above the observed maximum water table.

M. Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than one hundred and ten (110) gallons of sewage per day per quarter acre under one (1) ownership, or four hundred and forty (440) gallons of sewage per day on any one (1) acre under one ownership, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design, except as may be ordered by the Board of Health, and specifically 314 CMR 5.10(3)(a), (b) and (c).

N. Outside storage of road salt or other de-icing chemicals.

O. Disposal of snow that contains de-icing chemicals and that has been brought in from outside the Water Resource Protection District.

P. Commercial establishments for the plating, finishing, etching, or polishing of metals or semiconductors.

Q. Manufacture of semiconductors or other electronic components.

R. Electronic circuit assembly on a commercial scale.

S. Chemical or bacteriological laboratories.

T. Underground storage tanks for petroleum products or any toxic or hazardous substance, except for replacement or upgrading of existing storage without increasing capacity provided that there is compliance with all local, state and federal laws.

U. Storage of manure, not for the primary purpose of agriculture.

V. Storage of animal manures, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff and leachate.

W. Use of septic system cleaners which contain toxic chemicals.

X. Painting, wood preserving, or stripping paint on a commercial scale.

Y. Commercial establishments for printing, or photographic processing.

Z. The above ground containment or stockpiling of sludge and/or septage as defined in 310 CMR 32.05 prior to, or, for the selling or distribution or reuse, or offering for sale, distribution, or use of the sludge and/or septage.

AA. Storage of herbicides, pesticides, or fertilizers in amounts greater than fifty (50) gallons or two hundred and fifty (250) pounds dry weight.

BB. Facilities that generate and treat hazardous materials and facilities subject to M.G.L. c.21C and 310 CMR 30.00.

6.850 Uses Allowed in the Water Resource Protection District

The following uses are allowed in the Water Resource Protection District:

A. Uses Allowed in a Well Protection Zone*:* The following uses are allowed in a Well Protection Zone:

1. Existing residential uses.

2. Non-intensive agricultural uses such as, but not limited to, pasture, light grazing, hay, gardening, nursery, conservation, forestry, and harvesting provided that the use of fertilizers, herbicides, pesticides, and other similar leachable materials receives the advance written approval of the Board of Public Works and are not stored outdoors or in any other manner which could cause leakage thereof.

3. Wood lot management and selected tree cutting with the approval of the Board of Public Works.

4. Emergency repairs, demolition and/or removal of existing structures as may be required by law for public safety purposes.

B. Uses Allowed in an Aquifer Protection Zone: The following uses are allowed in an Aquifer Protection Zone:

1. Any use allowed in a Well Protection Zone with the same conditions (Section 6.850A.).

2. All ordinary and customary uses associated with expansion, maintenance and upkeep of existing single or two-family residential dwellings.

3. Residential development, if allowed in the underlying district, on building lots legally created prior to October 1, 1980.

4. Residential development, if allowed in the underlying district, provided that each such lot shall consist of a minimum of sixty thousand (60,000) square feet. Said sixty thousand (60,000) square feet may include up to thirty thousand (30,000) square feet of area deemed wetlands resource areas provided that no structure or septic disposal system shall be placed on such wetlands resource areas except as may be permitted by the Hanover Conservation Commission pursuant to Section 40 of Chapter 131 of the Massachusetts General Laws and its implementing regulations found at 310 CMR 10.00 et seq.

5. All existing or approved streets, ways and drainage structures.

6. All ordinary and customary uses associated with the maintenance and upkeep of buildings and grounds of existing non-residential land uses and multi-family residential structures, so long as there is no increase in floor area and provided that the density regulations in Section 7 are not exceeded.

7. Conservation of soil, water, plants and wildlife.

8. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted; foot, bicycle and/or horse paths and bridges.

9. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply, and conservation devices.

6.860 Uses Permitted by Special Permit in the Water Resource Protection District

The following uses may be permitted in the Water Resource Protection District:

A Uses Permitted by Special Permit in a Well Protection Zone: The following uses may be permitted by the Planning Board, acting as the Special Permit Granting Authority, in accordance with the procedures established under Section 6.820:

1. A one-time expansion of an existing use in an underlying district, excluding hazardous waste generators as defined by 310 CMR 30.00, provided that such expansion shall not be greater than fifteen percent (15%) in volume and not greater than fifteen percent (15%) in floor area and not greater than fifteen percent (15%) in total lot coverage and land utilization. In addition, such expansion shall not result in any increase in non-conformance of use as those uses are restricted by this Section, and shall not result in any increase in non-conformance other than use.

2. Any access drive or roadway required to be placed over that portion of a lot that is in a Well Protection Zone shall be designed so as to allow runoff water to be channeled in a manner deemed safe by the Board of Public Works.

B Uses Permitted by Special Permit in an Aquifer Protection Zone: The following uses may be permitted by the Planning Board, acting as the Special Permit Granting Authority, in accordance with the procedures established under Section 6.820.

1. Any use not otherwise allowed or permitted which can satisfy the requirements of the regulations promulgated by the Board of Public Works and the Board of Health for the district and can satisfy all other applicable Bylaws, provided that said use is either allowed or permitted in the underlying zoning district.

2. Construction of single family residential dwellings on lots consisting of a minimum of thirty thousand (30,000) square feet of area exclusive of wetlands resource areas, provided that the entire subdivision contains no more than the number of lots which would have been permitted

in accordance with the standards established in Section 6.850B.4., and further provided that the remaining undeveloped land be conveyed:

a. to the Town of Hanover and accepted by it for park or open space use;

b. to a non-profit organization, the principal purpose of which is the conservation of open space; or

c. to a corporation or trust owned or to be owned by the owners of lots or residential units within the subdivision.

3. Public or private golf courses.

4. Earth removal and mining of land for on-site and/or off-site use, however, in no case shall said excavation be allowed closer than six (6) feet above the maximum high ground water elevation as determined by the Planning Board.

5. Any new single family residential structure, multi-family structure, or non-residential structure, or any expansion of a non-residential or multi-family structure involving the retention of less than forty percent (40%) of the entire lot in a naturally vegetated state, or greater than fifteen percent (15%) impervious surface area over the entire lot, provided that rainfall shall be redirected for artificial recharge on the same lot.

6. Privately owned sewage treatment facilities in accordance with 310 CMR 15.00 and 314 CMR 5.00, as amended.

7. Any use which involves as an accessory activity the storage, use, or disposal of toxic or hazardous materials, but not including ordinary household use.

8. A pre-existing, non-conforming, non-residential or multi-family structure or use shall not be altered, reconstructed, extended or structurally changed without a Special Permit from the Planning Board, acting as the Special Permit Granting Authority, provided that the Board finds that such alteration is not substantially more detrimental to the water resources than the existing, non-conforming structure or use within the defined Water Resource Protection District. No Special Permit shall be granted for any alteration, reconstruction, extension or structural change of a pre-existing, non-conforming structure or use without a specific finding by the Planning Board that the proposed alteration, reconstruction, extension or structural change will not violate any of the provisions of this Bylaw. It shall be the responsibility of the applicant proposing said alteration, reconstruction, extension or structural change to demonstrate to the Planning Board that the proposed alteration, reconstruction, extension or structural change will not violate any of the provisions of this Bylaw.

9. Planned Residential Development for Seniors (PRDS) subject to all of the following requirements:

a. The applicant shall satisfy all of the provisions of Section 6.040 A. of this Zoning Bylaw.

b. The applicant shall clearly demonstrate to the satisfaction of the Board of Health that the total nitrogen loading associated with any such PRDS will not exceed the nitrogen loading limitations permitted in a D.E.P. Zone II under the provisions of 310 CMR 15.00, et seq. (Title V).

c. The applicant shall design a sewage treatment plant in accordance with the provisions of 314 CMR 5.00, et seq.

d. The applicant shall obtain a Groundwater Discharge Permit from the Mass. Department of Environmental Protection (D.E.P.) in accordance with the provisions of 314 CMR 5.00, et seq.

e. Notwithstanding the fact that the development may discharge more than 10,000 gallons of septic waste per day, and, notwithstanding the fact that the applicant may have obtained a Groundwater Discharge Permit from D.E.P., the applicant shall still be obligated to satisfy all requirements and concerns of the Board of Health and Board of Public Works as such requirements and concerns may relate to sewage disposal systems and discharge within a D.E.P. Zone II or Hanover Aquifer Protection Zone.

f. The applicant shall submit to the Planning Board written confirmation from the Board of Health that there has been full compliance with subparagraphs b., c., d. & e., above.

g. Occupancy of dwelling units in any such PRDS shall be contingent upon the satisfactory installation and operation of a sewage treatment plant as subject to the provisions of subparagraphs c. and d., above.

10. Photocopy Centers.

6.870 Area Permeability and Recharge in Underlying Non Residential Zoning Districts

A. Within the Water Resource Protection District, no lot shall be rendered impermeable by more than fifty percent (50%) of its area.

B. All rain water which falls on paved areas or other impervious surfaces shall be channeled or otherwise directed water through oil and grease traps and sediment traps in a manner satisfactory to the Board of Public Works before being allowed to recharge the groundwater.

C. Areas upon which vehicles travel, and/or are stored or parked shall be paved with impervious material and shall require the approval of the Board of Public Works and shall be designed so as to direct surface water runoff as specified above in Section 6.870 B. of this Bylaw.

D. Areas of a lot not used for structures, waste disposal facilities, parking or driveways shall remain in a natural state or shall be restored to the extent determined feasible by the Planning Board, acting as the Special Permit Granting Authority.

6.880 Special Provisions

The following are Special Provisions within the Water Resources Protection District:

A. Well Protection Zone Boundary Line: Where the Well Protection Zone boundary line divides any lot, the uses and regulations pertinent to the Aquifer Protection Zone shall be applied to the development of such lot provided that the subject lot contains sufficient square footage in the Aquifer Protection Zone to allow development and provided further that all structures and waste disposal systems are located within that portion of the lot lying in the Aquifer Protection Zone.

B. Aquifer Protection Zone Boundary Line: Where the Aquifer Protection Zone boundary line divides a lot in an underlying Residence A District, said lot containing a minimum of thirty thousand (30,000) square feet but not the required sixty thousand (60,000) square feet, the requirements of this Bylaw applicable to the less restrictive district shall apply provided that any underground waste disposal system shall be located on that portion of the lot in the less restrictive district.

C. Non Residential District/Aquifer Protection Zone Boundary Line: Where the aquifer protection zone boundary line divides a lot in any Non-Residential District, the uses and regulations pertinent to the less restrictive district may be applied to the development of such lot provided that the subject lot contains sufficient square footage in the less restrictive district as to ordinarily allow development and further provided that all structures and waste disposal systems are located in that portion of the lot which lies in the less restrictive district.

D. Appeals of Water Resource District Boundary Lines: In the event that an owner of land presently located in the Water Resource Protection District desires to appeal the determination of a zone or district boundary line, an application shall be filed with the Planning Board accompanied by sufficient data, in twelve (12) copies, to prove to the satisfaction of the Planning Board that ground water from the land does not reach the Town of Hanover wells. The Planning Board shall transmit copies of the data to the Board of Public Works and the Board of Health, each of which shall report to the Planning Board on the accuracy of the data provided by the applicant within thirty-five (35) days of receipt of the reports. The Planning Board shall make no independent decision on the application until such reports are received or until the expiration of the thirty-five (35) day period following transmittal, whichever occurs first. If the Planning Board determines that the data provided is accurate, it may grant the owner/applicant an exemption in whole or in part from the requirements of this Section, and it shall propose a revision of the Water Resource Protection District to the next appropriate Town Meeting. No exemption shall be granted until a public hearing is held as required by Section 6.820 of this Bylaw.

6.900 – WIRELESS TELECOMMUNICATIONS DISTRICT

The Wireless Telecommunications District is intended to provide for the construction and erection of wireless telecommunications towers and for the installation of wireless telecommunications transmitting and receiving antennae in a fashion which balances the following:

- The need to protect the Town from the adverse effects of the uncontrolled proliferation and placement of wireless telecommunications facilities.

- The legitimate desire of residents of the Town to access and utilize new technologies as such become available.

- The right of businesses to exercise free trade and to provide necessary services.

In addition, the District is intended to minimize any adverse visual impacts of such wireless telecommunications towers, to avoid any potential damage to adjacent properties, to limit any adverse health and environmental impacts, to lessen any detrimental impact upon neighboring properties, to reduce any negative vehicular traffic impacts, to maximize the use of any existing wireless telecommunications towers and to reduce the need for the construction and erection of additional towers.

6.910 Uses Allowed

The following uses are allowed in the Wireless Telecommunications District:

A. Uses allowed in the underlying Zoning District.

B. The installation of telecommunications antennae within existing structures and facilities provided that such antennae are totally enclosed within said structure or facility and are not visible from any abutting property or way.

6.920 Uses Permitted by Special Permit

The following uses may be permitted by Special Permit in the Wireless Telecommunications District:

A. Uses permitted by Special Permit in the underlying Zoning District in accordance with the provisions of that district.

B. The installation of wireless telecommunication transmitting and receiving antennae in accordance with the provisions of Section 6.950, below. The Zoning Board of Appeals shall act as the Permit Granting Authority for this purpose.

6.930 Uses Permitted by Special Permit and with Site Plan Approval

The following uses may be permitted by Special Permit and upon the grant of Site Plan Approval from the Zoning Board of Appeals acting as the Permit Granting Authority:

A. Uses so permitted in the underlying Zoning District in accordance with the provisions of that district. For such uses, the Special Permit Granting Authority shall be as indicated in underlying Zoning District.

B. The construction and erection of wireless telecommunications towers in accordance with the provisions of Section 6.960, below.

6.940 Exemptions

The following are exempted from the provisions of Section 6.900 of this Zoning Bylaw:

A. Television and radio antennae, to include satellite dishes, intended primarily for private use.

B. Amateur radio telecommunications towers used in accordance with the terms of an amateur radio service license issued by the Federal Communications Commission provided that:

1. the tower is not used or licensed for any commercial purposes;

2. the tower shall have a cost or replacement value of less than ten thousand dollars ($10,000); and

3. the tower shall be dismantled and removed if the use of such is discontinued for a period of six (6) months or more.

6.950 Wireless Telecommunications Antenna Regulations

The following regulations apply to all wireless telecommunications antennae permitted by Special Permit under Section 6.920 B. of this Zoning Bylaw and to all wireless telecommunications antennae permitted by Special Permit under subsection A. hereof:

A. Notwithstanding any provisions of this Zoning Bylaw to the contrary, wireless telecommunications antennae may be installed upon or within any existing non-residential building or structure in any Zoning District of the Town provided that the Zoning Board of Appeals determines that the proposed installation meets all of the following requirements:

1. The installation of said antennae is not noxious, injurious or offensive to the neighborhood;

2. The installation of said antennae does not result in any demonstrable depreciation of value of any neighboring property;

3. The applicant shall clearly demonstrate to the satisfaction of the Zoning Board of Appeals that the existing building or structure is structurally sound and capable of handling the additional loads created by the installation of said antenna;

4. Said antennae shall not extend more than ten (10) feet in height above the line of the roof of the existing structure;

5. Said antennae shall not be located closer than two hundred and fifty (250) feet to any existing or proposed residential dwelling;

6. When mounted upon an existing structure, said antennae shall be painted so as to blend with the existing structure;

7. Said antennae shall be screened to whatever extent possible so as to minimize visibility from abutting properties and ways; and

8. All antennae and other wireless telecommunications equipment not in use for a period of one (1) year or more shall be removed at the owner's/operator's expense.

B. In conjunction with an application for the erection and construction of a proposed wireless telecommunications tower submitted in accordance with Section 6.900 of this Zoning Bylaw, the Zoning Board of Appeals may grant a Special Permit for the installation of wireless telecommunications antennae upon said tower provided that the proposed antennae meet all of the requirements of Subsection 6.950 A., above.

6.960 Wireless Telecommunications Tower Regulations

The following regulations apply to all wireless telecommunications towers:

A. General Requirements

1. All wireless telecommunications towers and antennae shall be constructed, erected, installed, maintained and used in compliance with all applicable federal and state laws, rules and regulations, including radio frequency emission regulations as set forth in Section 704 of the 1966 Federal Telecommunications Act, as the same may be amended.

2. All wireless telecommunications towers shall be constructed of galvanized steel and shall be of a freestanding, monopole type construction. No lattice style towers or guyed towers shall be allowed or permitted.

3. All wireless telecommunications towers shall be designed and constructed to provide for possible co-location of not less than four (4) personal wireless services carriers or providers.

4. Space should be reserved on each wireless telecommunications tower for the possible installation of Municipal Public Safety antennae, provided that there are no intermodulation problems.

5. All owners and operators of land used in whole or in part for the construction and erection of wireless telecommunications towers and all owners and operators of such towers, as a continuing condition of constructing, erecting and utilizing such tower, shall lease to other Federal Communications Commission licensed personal wireless services carriers or providers to co-locate on said tower. In addition, said carriers or providers shall be permitted to install, erect, mount and utilize compatible wireless telecommunications equipment, fixtures and antennae on said tower at reasonable commercial rates and terms. The provisions are mandatory provided that such co-location does not significantly interfere with the transmission and/or reception of telecommunications signals to or from the existing facility and provided that there are no structural or other physical limitations that make it impractical to accommodate the additional wireless telecommunications equipment, fixtures or antennae.

6. Structures accessory to a wireless telecommunications tower may be permitted provided that:

a. The permittee granted a Special Permit for the construction and erection of a wireless telecommunications tower shall construct one, and only one, accessory structure adequate in size to house the equipment of all carriers who may co-locate on said tower.

b. Said accessory structure shall contain an individual bay for each of the carriers co-locating on said tower and each bay shall not exceed four hundred (400) square feet in floor area.

c. Said accessory structure shall not exceed twelve (12) feet in height and exterior access shall be provided directly to each carrier's bay.

d. Within said accessory structure, the permittee shall provide a generator, or generators, capable of providing power sufficient to operate the equipment of all carriers in the event of an electrical power failure. No generator shall be allowed or permitted to be located outside of said accessory structure.

e. The applicant shall make every effort to mitigate the intake and exhaust noises of said generator(s).

f. Said accessory structures shall be appropriately screened with proper landscaping measures.

7. Upon receipt of a Special Permit, the applicant or the owner/operator and all subsequent owners/operators shall, prior to January 1st of each year, send certification to the Town Clerk and to the Building Inspector indicating that said wireless telecommunications tower is still in operation. Said certification shall indicate all personal wireless service carriers or providers utilizing said tower and the terms and conditions under which they are so doing. Failure to file said annual certification shall be deemed to be admission that said tower is no longer in use and the Building Inspector shall initiate action to require the dismantling and removal of said tower in accordance with the provisions of subsection H., below.

8. All wireless telecommunications towers, equipment, fixtures, antennae and/or accessory structures not in use for a period exceeding one (1) year shall be dismantled and removed at the owner's/operator's expense. As a condition of the grant of a Special Permit, the Permit Granting Authority shall require that the applicant provide financial security to insure the completion of construction and the eventual dismantling and removal of said tower. Said financial security shall be as follows:

a. in the form of a deposit of money, said funds to be deposited with the Town Treasurer in a separate account;

b. of an amount sufficient to dismantle and remove said tower and said amount shall include a fifty percent (50%) contingency factor and a fifty percent (50%) inflation factor;

c. said financial security shall be at the disposal of the Town upon the failure of the applicant or owner/operator to perform said dismantling and removal within one (1) year of cessation of use of said tower; and

d. upon certification by the Building Inspector of the proper demolition and removal of said tower, any remaining funds shall be returned to the applicant.

6.970 Dimensional Regulations

A. No wireless telecommunications tower shall exceed one hundred and twenty (120) feet in vertical height above the existing grade, provided, however, that at the discretion of the Permit Granting Authority, a greater height may be permitted upon a demonstration that such additional height is technologically necessary for the provision of essential public safety telecommunication services. For purposes of the foregoing sentence, "essential public safety telecommunication services" shall be limited to such services as are required for transmission purposes by law enforcement, fire protection and civil defense agencies.

B. A wireless telecommunications tower shall be set back from the property lines of the lot upon which it is located by a distance equal to the overall vertical height of the tower and any attachments plus five (5) feet. This provision may be waived by the Permit Granting Authority along any property line which abuts land owned by, or in the control of, the applicant or the owner/operator of the proposed tower.

C. A wireless telecommunications tower shall not be constructed within one hundred and fifty (150) feet of any existing or proposed structure except for structures accessory to said tower.

D. Except for structures that are accessory to the wireless telecommunications tower, on any lot containing such a wireless telecommunications tower, no structure shall be constructed or erected within one hundred and fifty (150) feet of said tower.

E. The frontage requirements of a lot containing a wireless telecommunications tower shall be those of the underlying Zoning District.

F. No wireless telecommunications tower shall be erected or constructed within three hundred (300) feet of a way.

G. Except in the so called Municipal District, no wireless telecommunications tower shall be erected or constructed within five hundred (500) feet of any land located within the Residence A District.

H. Within the so called Municipal District, no wireless telecommunications tower shall be erected or constructed within five hundred (500) feet of any existing or proposed residential dwelling provided that said dwelling is located in the Residence A District. If said residential dwelling is located in a non-residential zoning district, said tower shall not be erected or constructed within two hundred and fifty (250) feet of the dwelling.

I. No wireless telecommunications tower shall be erected or constructed within two (2) miles of any existing or proposed tower permitted hereunder unless said existing or proposed tower is currently, or is proposed to be, utilized by four (4) or more wireless telecommunications services carriers or providers and unless the Permit Granting Authority determines that the requirements of Section 6.961D. of this Zoning Bylaw have been satisfied relative to said tower. In such an instance no new tower shall be located within two thousand (2,000) feet of any existing or proposed tower.

6.980 Special Provisions

A. Around the base of any wireless telecommunications tower and any associated accessory structure, there shall be erected a chain link fence not less than eight (8) feet in height. Said fence shall be

located at a distance no less than twenty (20) feet and no greater than fifty (50) feet from the tower and/or accessory structure and shall completely enclose same. At the top of said fence, there shall be placed no fewer than eight (8) strands of barbed wire with each strand being located no closer than three (3) inches to another strand.

B. Around the exterior perimeter of said fence, there shall be planted a dense hedge of American Arborvitae. Said hedge shall be located not closer than ten (10) feet to the chain link fence. The American Arborvitae shall be not less than six (6) feet in height when planted, shall be planted in three (3) staggered rows, and shall be located not more than five (5) feet apart in distance except for the area required for an access drive.

C. Around the entire perimeter of any lot containing a wireless telecommunications tower there shall be planted a mix of deciduous trees and coniferous evergreen trees indigenous to southeastern Massachusetts. Said trees shall have not less than a four (4) inch caliper at diameter breast height when planted, shall be planted in staggered rows, and shall be located not more than fifteen (15) feet apart in distance except in those areas utilized for access drives to the lot.

D. At the discretion of the Permit Granting Authority, the requirements of subsection C., above, may be varied as follows: In the case of a lot greater than two (2) acres in size, rather than plantings being made around the entire perimeter of the lot, plantings in accordance with subsection C., above, may be made in a circle with a minimum radius of one hundred (100) feet, which circle shall have its center located at the base of the wireless telecommunications tower.

E. In the event that the Permit Granting Authority deems that it is impractical for the applicant to comply with either subsection C. or D., above, the Authority may waive some of those requirements. In such an instance, the applicant shall be required to provide as many plantings as are deemed practical. The difference between those trees deemed practical and those required in subsection C. or D., above, shall be donated by the applicant to the Town and shall be planted by the applicant as street trees at locations to be determined by the Planning Board and the Board of Public Works.

F. Notwithstanding the provisions of Section 6.800 of this Zoning Bylaw, when located within the Wireless Telecommunications District, wireless telecommunications towers may be constructed and erected in the underlying Water Resource Protection District upon the grant of a Special Permit and Site Plan Approval by the Zoning Board of Appeals provided that there is a written determination by the Board of Public Works that such proposed tower shall not adversely impact the water resources of the Town.

6.990 Application Procedures

A. The applicant shall apply for Special Permit and Site Plan Approval to the Zoning Board of Appeals in accordance with the provisions of Section 10 of this Zoning Bylaw.

B. In addition to the contents required under Section 10.100 of this Zoning Bylaw, the Site Plan shall include the following:

1. All land within five hundred (500) feet which is located within the Residence A District;

2. All residential dwellings located within five hundred (500) feet of the proposed wireless telecommunications tower;

3. Any existing or proposed wireless telecommunications tower permitted under Section 6.900 of this Zoning Bylaw which is located, or proposed to be located, within two (2) miles of said proposed tower;

4. Proposed tower location and height above existing grade;

5. Proposed accessory structure;

6. A landscape plan, to include all fencing, prepared by a Registered Landscape Architect;

7. Eight (8) view lines in a one (1) mile radius from the site shown beginning at True North and thence continuing clockwise at forty-five (45) degree intervals;

8. A map of the Town showing all areas of the Town within two (2) miles of the proposed wireless telecommunications tower from which said tower will be visible;

9. A map of the Town and surrounding Towns showing the anticipated range of coverage for the proposed wireless telecommunication tower; and

10. Photographs or renditions of the proposed wireless telecommunications tower and all associated antennae.

C. In addition to the Site Plan, the applicant shall submit the following reports, all of which shall be prepared by a Registered Professional Engineer:

1. A report describing the proposed wireless telecommunications tower including the technical and any other reasons for its design;

2. A report demonstrating that the proposed tower complies with all applicable regulations and requirements of both Federal and State governments;

3. A report describing the capacity of the proposed tower and indicating the number and type of antennae that it can accommodate; and

4. A report demonstrating that the proposed tower and its associated site comply with all provisions of Section 6.900 of this Zoning Bylaw.

D. The Zoning Board of Appeals shall hold a Public Hearing relative to the application, said Public Hearing to be in accordance with Sections 9, 11 & 14 of Chapter 40A (the Zoning Act) of the Massachusetts General Laws.

E. The applicant shall pay all costs associated with said Public Hearing.

F. All comments submitted for consideration by the Zoning Board of Appeals shall be submitted in writing.

G. The applicant shall provide, at the applicant's expense, a qualified court stenographer, or equal, for the purpose of transcribing the entire Public Hearing process. Said stenographer shall be acceptable to the Zoning Board of Appeals and shall be made available to the Board during all deliberation sessions.

H. The Zoning Board of Appeals may hire at the applicant's expense whatever qualified professionals the Board deems necessary for the review of subject application. The applicant shall be required to deposit with the Town a sum of money sufficient in the opinion of the Zoning Board of Appeals to cover all costs associated with said review.

I. Subsequent to the opening of the Public Hearing and prior to its closing, the applicant may be required to fly a balloon at the location and at the elevation of the proposed wireless telecommunications tower. Said balloon shall be of a size, type and color so as to be visible for a distance of not less than four (4) miles. The time and date upon which said balloon is to be flown shall be announced at an open session of the Public Hearing and said time and date shall be acceptable to the Zoning Board of Appeals.

6.1.00 – ADULT USE DISTRICT

It is the purpose and intent of this Section of the Zoning Bylaw to address and mitigate the secondary effects of the Adult Uses referenced herein, which include but are not limited to increased crime, adverse impacts on public health, safety and welfare, decreased property values and neighborhood blight, all of which have been relied upon in considering the enactment of this Section of the Zoning Bylaw.

It is neither the purpose nor intent of this Section of the Bylaw to impose a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials unless such matter is prohibited by state or federal law. Similarly, it is not the purpose or intent of this section of the Bylaw to restrict or deny access by adults to Adult Uses or adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitutions of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this Section of the Bylaw to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

6.1.30 Uses Permitted by Special Permit and with Site Plan Approval

The below listed uses may be permitted upon application to and the granting of a Special Permit and Site Plan Approval by the Planning Board, acting as the Special Permit Granting Authority, as specified in Section 10 of this Zoning Bylaw. The applicant shall clearly demonstrate to the satisfaction of the Board that there is full compliance with all of the provisions of Sections 5.890 A. & B., Special Permits, relative to the grant of the Special Permit, and full compliance with all of the provisions of Section 10, Site Plan Approval, relative to the grant of said Site Plan Approval.

A. The use of land or structures for an Adult Use, as such term is defined in Section 2.100, Definitions, of this Bylaw subject to all of the below listed requirements, conditions, and procedures:

1. Special Permit Requirements: The following requirements shall be applicable to all applications for an Adult Use Special Permit:

a. No Adult Use shall commence operations without first applying for and receiving Site Plan Approval and the grant of a Special Permit from the Planning Board, acting as the Special Permit Granting Authority. A Special Permit shall be granted provided that the Planning Board finds that the petitioner has complied with all of the terms, requirements, conditions, and procedures of Subsections 1., 2., 3. & 4., of this Section of the Zoning Bylaw.

b. Any application for an Adult Use Special Permit shall be accompanied by an application for Site Plan Approval in accordance with the provisions of Section 10 of this Zoning Bylaw. Public Hearings for Site Plan Approval and the Grant of Special Permits shall be held concurrently and the Planning Board, acting as the Special Permit Granting Authority, shall take final action on both applications within ninety (90) days following the close of both Public Hearings.

c. Relative to pre-existing, non-conforming uses, structures and lots, any Adult Use Special Permit shall be subject to the exclusions of the third sentence of the first paragraph of Section 6 of Chapter 40A of the Massachusetts General Laws.

2. Conditions: The following conditions shall be attached to all Adult Use Special Permits:

a. Special Permits granted under this Section of the Zoning Bylaw shall remain exclusively with the applicant, who shall be the owner or lessee of the premises described in the application. The Special Permit shall terminate automatically on the date the applicant alienates such title or leasehold interest in the premises.

b. A Special Permit issued under this Section of the Zoning Bylaw shall be for a period of three (3) years from the date of the decision. It shall be renewed for successive three-year periods provided that a written request for renewal is made to the Planning Board not less than three (3) months prior to the expiration of the then-existing three-year period, subject to the following:

i. Publication of notice of said request shall be made in the same manner as would be required for an original application for a Special Permit. Said notice shall state that the renewal request will be granted unless, prior to the expiration of the then existing permit, a written objection to the renewal, stating reasons for such objection, is received by the Planning Board. In the event of such an objection, a Public Hearing on the renewal shall be held and shall proceed in a manner identical to the course of proceedings in connection with an original application for the grant of a Special Permit.

ii. The Special Permit shall remain in effect until the conclusion of the public hearing and decision of the Planning Board either granting or denying the Special Permit renewal. In granting any such renewal, the Planning Board may impose additional conditions, including, without limiting the foregoing, time limits to correct violations, hours of operation and additional screening, upon which a specified lapse of time without correction or compliance shall result in a revocation of the Special Permit.

c. No Adult Use shall be located within eight hundred (800) feet of any other Adult Use.

d. No Adult Use shall be located within three hundred feet of the Residence A Zoning District.

e. The distances specified in Subsections c. & d., above, shall be measured by a straight line from the nearest property line of the premises on which the proposed Adult Use is to be located to the nearest boundary line of the Residence A Zoning District or to the nearest property line of any other designated uses set forth above.

f. With the exception of an Adult Motion Picture Theater, Adult Use establishments may not exceed 3,000 square feet of gross floor area.

g. Hours of operation for any Adult Use shall be established by the Planning Board.

h. All exterior building openings, entries and windows shall be screened in such a manner as to prevent the public's view of the interior from any public or private way or from any abutting property.

i. No Adult Use may have any flashing lights visible from the exterior of the premises.

j. Exterior signs shall identify the name of the establishment but shall not contain any other advertisement or information.

k. A Special Permit may be granted only after a determination by the Planning Board that adequate and reasonable safeguards exist to assure on a continuing basis that minors will not be allowed to gain entrance to any Adult Use establishment as such are defined in Section 2.100, Definitions, of this Zoning Bylaw.

3. Procedural Requirements: The following procedural requirements shall be applicable to any application for an Adult Use Special Permit:

a. A Special Permit shall be issued only following a Public Hearing held within 65 days after the filing of an application with the Planning Board, a copy of which application shall forthwith be given to the Town Clerk by the applicant.

b. The Planning Board shall act within 90 days following a Public Hearing for which notice has been given by publication or posting and by mailing to all parties in interest. Failure by the Planning Board to take final action upon an application for a Special Permit within said 90 days following the date of the Public Hearing shall be deemed to be a grant of the permit applied for.

c. A Special Permit granted under this section shall lapse within one year, including such time required to pursue or await the determination of an appeal as referred to in Massachusetts General Laws, Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

d. An Adult Use Special Permit issued under this Section of the Bylaw shall require that the owner of such business shall supply on a continuing basis to the Planning Board, Building Inspector and Zoning Enforcement Officer any change in the name of the record owner of address or any change in the name of the current manager; and that failure to comply with this provision shall result in the immediate revocation of such Special Permit. If anyone so identified is or has been convicted of violation Massachusetts General Laws, Chapter 119, Section 63, or Chapter 272,Section 28 or Section 31, or is listed on the Sex Offender Registry, such Special Permit shall be immediately null and void. Any existing Adult Use shall be required to apply for a Special Permit within ninety (90) days following the adoption of this Section of the Zoning Bylaw.

e. Any existing Adult Use shall be required to apply for a Special Permit within ninety (90) days following the adoption of this Section of the Zoning Bylaw.

4. Statutory Prohibition: No Special Permit under this Section of the Zoning Bylaw shall be issued to any person convicted of any violation under Massachusetts General Laws, Chapter 119, Section 3, or Chapter 272, Secs. 28 or 31.

5. Severability: The provisions of this Section of the Zoning Bylaw are severable and, if any of those provisions shall be held to be unconstitutional by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

6.11.0 – VILLAGE PLANNED UNIT DEVELOPMENT

Purpose: The purpose and intent of allowing for a Village Planned Unit Development (VPUD) by Special Permit is to encourage and promote the planning and development of projects that are characterized by economically viable mixed-uses, including housing alternatives to typical detached single family residential subdivisions, a variety of building types in village-style settings, and the creation of areas with distinct visual character consistent with traditional New England style development on parcels of land in proximity to Route 53.

6.11.10 General Requirements:

A. A VPUD may be permitted in any zoning district, including within an Aquifer Protection Zone (subject to the provisions of Section 6.860.B.1.), upon application to and granting of a Special Permit by the Planning Board with respect to a parcel or contiguous parcels of land and development plan for such land meeting the requirements of this section.

B. Any VPUD shall be serviced by a minimum of two (2) access roads or drives, unless a divided access road or drive is approved by the Planning Board. A Traffic Impact Assessment shall be required in accordance with Section 10.120.A. to determine the necessary capacity of such roads and/or drives, and to determine what transportation improvements will be required by the applicant for existing and proposed roads to ensure such capacity is provided for under the proposed development scheme.

C. Principal access to and egress from a VPUD shall be provided from Route 53.

6.11.20 Area and Dimensional Regulations:

A. The dimensional requirements of this Section shall apply to a parcel of land and development plan that is the subject of a VPUD Special Permit, in lieu of the requirements of Section 7 of this Zoning By-law. The requirements of Section 7 shall not apply to a VPUD.

B. A parcel of land that is the subject of a VPUD Special Permit shall contain a minimum area of not less than twenty-five (25) acres. A minimum of at least ten (10) acres shall be exclusive of any wetland resource areas or flood plains.

C. A parcel of land that is the subject of a VPUD Special Permit shall have a minimum contiguous frontage of a distance not less than that required under Section 7 in the zoning district in which such frontage is located.

D. A VPUD shall contain an area to be dedicated as common open space. The common open space shall be not less than twenty percent (20%) of the total parcel proposed for VPUD development, and may include wetland resource areas and floodplains. The common open space shall be distinctly separate from land used for the construction of dwellings or other habitable structures, and shall be landscaped or left in a natural state.

E. The lot coverage for any portion of the VPUD parcel of land that is located within the aquifer protection zone shall not exceed fifty (50%) percent of that portion of the VPUD parcel of land.

F. A buffer area shall be provided around the entire perimeter of a parcel of land that is the subject of a VPUD Special Permit in accordance with the following:

1. The buffer area shall be continuous and shall be of a minimum width of not less than fifty (50) feet.

2. The buffer area shall be landscaped with natural vegetation, new plantings, or a combination, which shall include groundcover, shrubs, and trees in accordance with the provisions of Section 8 of this Zoning Bylaw, except to the extent that the requirements of that section are reduced by the Planning Board upon the request of the Special Permit applicant.

3. Access roads or driveways or pedestrian paths may be allowed to cross the buffer area as shown on the approved plans.

G. Security or access control areas may be located within the buffer area, however, any structure for such purposes may not exceed two hundred (200) square feet in size.

H. Development within the VPUD shall be subject to the Height Regulations of Section 7.100 except that any non-residential structure within the VPUD may be erected to a height of forty-eight (48) feet provided that it is located at least two hundred (200) feet from the property line of any land outside the VPUD that is zoned residential.

I. Structures and parking areas for non-residential use within the VPUD shall be located at least one hundred (100) feet from the property line of any land outside the VPUD that is zoned residential.

J. A parcel of land that is the subject of a VPUD Special Permit may be divided into one or more lots, each of which has frontage on a public way, way approved under the subdivision control law, or private way created and approved as part of the VPUD, and each of which may be held and conveyed in separate ownership, provided that the requirements of this Zoning Bylaw and the Special Permit pertaining to the VPUD shall continue to apply with respect to all such lots and the development thereon considered collectively as an integrated whole. No lot line may run through a building.

6.11.30 Dwelling Unit Design Requirements:

A. Dwelling units in a VPUD shall be comprised of a mixture of dwelling types such that:

1. Not less than one-third (1/3) of the total number of units shall be one-bedroom units.

2. Not less than one-third (1/3) of the total number of units shall be two-bedroom units.

3. Not more than one-third (1/3) of the total number of units shall be three or more bedroom units.

B. There shall be at least three (3) numbered parking spaces for each dwelling unit for the use of the occupants thereof and their guests, except to the extent that the requirements of this section are reduced by the Planning Board upon the request of the Special Permit applicant. All parking spaces shall be a minimum of nine (9) feet in width by eighteen (18) feet in length and within reasonable proximity to the dwelling units which they serve. Numbered parking spaces may be located in driveways or parking lots or in garage facilities either attached to, or detached from, the principal structure(s).

6.11.40 Other Design Requirements:

A. All buildings and structures shall be designed in an architectural style compatible with that of a suburban New England village environment. Exterior walls shall be clad in wood, brick, stone or other building materials traditionally used in New England. Roofs shall have a minimum pitch of 8:12 and flat roofs shall be permitted only when hidden by a raised parapet. Except on the ground floor of structures devoted to non-residential use, vertical dimensions of all windows shall be greater than their horizontal dimensions. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all structures. Architectural Plans showing elevations of all typical principal structures shall be prepared by a Registered Professional Architect.

B. All buildings, structures, open spaces, roads and drives, parking areas and other development features shall be designed and located with consideration for the existing natural terrain and minimizing overall environmental impacts on the site, to the extent practical in view of the proposed development program.

C. All exterior lighting, whether placed along roads, drives, or walks, in parking areas, or on structures or other facilities, shall be arranged and shielded so as not to distract in an unreasonable manner the occupants of any dwelling(s) nor shine directly upon abutting properties and/or public ways. In no instance shall illumination upon the window surface of any dwelling exceed one-half (1/2) foot candle.

D. All access roads and drives and all interior roads and drives shall be designed and constructed in accordance with the provisions of the Planning Board Rules & Regulations Governing the Subdivision of Land unless specific provisions are waived by the Board as part of the VPUD Special Permit.

E. All existing or proposed utilities and municipal services shall be installed underground at the time of initial construction except to the extent that this provision is waived by the Planning Board as part of the VPUD Special Permit.

F. Provisions shall be made for the storage, collection and removal of all solid waste. All necessary facilities shall be screened appropriately.

6.11.50 Uses and Special Provisions

A. No more than twenty percent (20%) of the area of a VPUD parcel of land located within the Residence A zone shall be devoted exclusively to non-residential uses.

B. No more than twenty percent (20%) of the area of a VPUD parcel of land located outside the Residence A zone shall be devoted exclusively to residential uses.

C. Uses that are physically located within the portion of a VPUD parcel of land that is zoned Residence A shall be limited to the following:

1. Single and multi-unit residential dwellings, including age-restricted 55+ dwellings, together with parking or garage space and other uses and structures customarily accessory or incidental to any such residential uses;

2. Incidental home occupation as provided for in Section 6.010.H.

3. Uses allowed in the Business Zoning District, pursuant to Section 6.110;

4. Membership clubs, country clubs, including related function-type facilities, tennis courts, swimming pools, restaurant, pro shop, and other related uses ancillary and incidental thereto.

5. Recreational and sports facilities and structures customarily accessory or incidental to any such recreational uses.

6. Access roads or driveways, parking and utilities serving uses located anywhere within the VPUD, whether inside or outside the Residential A district.

7. Wastewater treatment facilities designed and operated in accordance with the applicable requirements of, and having a groundwater discharge permit from the Massachusetts Department of Environmental Protection in accordance with, the provisions of 314 C.M.R. 5.00, and intended principally to service the uses located within the VPUD. All uses within a proposed VPUD shall be served by a privately owned sewage treatment facility in accordance with 314 CMR 5.00. Individual septic systems within a VPUD are not permissible. Any existing or proposed wastewater treatment facility intended to meet the requirements of this

section shall require the review and comment of the local Board of Health and Department of Public Works in addition to any other local or state requirements prior to grant of a VPUD Special Permit by the Planning Board. Failure on the part of the applicant to adequately address the recommendations of the Board of Health or Department of Public Works may be cause for the denial of the project by the Planning Board.

D. Uses physically located within the portion of the VPUD parcel of land that is outside the Residence A district may include:

1. The uses set forth in 6.11.50.C above that would be allowed within the Residence A district portion of a VPUD parcel of land.

2. Any use allowed or allowed by Special Permit within the zoning district in which the use is located.

3. Elderly housing or assisted living facilities.

4. Other uses as determined by the Planning Board as part of the VPUD Special Permit to be consistent in nature and impact with the uses allowed under this Section and in furtherance of the purpose of this Section to facilitate economically viable mixed-use village development.

5. Access roads and driveways, parking and utilities serving uses located anywhere within the VPUD, or on abutting parcels outside the VPUD in the same or a less restrictive zoning district.

E. Individual buildings within the VPUD may contain a combination of uses, including, in appropriate cases, a mix of residential and non-residential uses, as provided for in an approved development plan.

F. The area of land required as common open space pursuant to Section 6.11.20.D shall be placed in the common ownership of all of the individual owners of the lot or lots within the VPUD, or in another form of ownership proposed by the applicant and acceptable to the Planning Board. The ownership and the use and maintenance of the common open space shall be determined by an instrument, duly executed by the owner, or owners of such common open space and to be recorded with the Plymouth County Registry of Deeds or Plymouth County District of the Land Court, as appropriate, as a condition of the grant of a Special Permit hereunder. Such instrument shall provide that the land in question shall be maintained as open space and, if owned in common by the owners of the VPUD, that such ownership shall run with the title to the VPUD and shall not be separately alienable.

G. Covenants or Deed Restrictions, which shall be reviewed by, and acceptable to, the Planning Board, shall be prepared to ensure that adequate provisions are in place to accomplish the collection and removal of solid waste, the operation and maintenance of the septic or sewage disposal systems and the disposal of septic or sewage waste, and the upkeep, maintenance, plowing and sanding of roads, drives, walks and parking areas, and that the associated costs of these items shall be borne by the owners and residents of the VPUD.

H. Evidence that all agreements, covenants and/or deed restrictions required above have been recorded at the Registry of Deeds or Land Court District, shall be submitted to the Planning Board prior to the issuance of any occupancy permit by the Building Inspector.

I. The Parking and Loading Requirements of Section 9 of this Zoning By-Law shall not apply to a VPUD. In determining the parking requirements for a VPUD development as part of a VPUD Special Permit, the Planning Board shall reference Table 9-1 and other parking standards such as those published by the Institute of Transportation Engineers, and shall set such requirements as are necessary to meet the realistic requirements of the proposed development and satisfy the objectives of this Section, provided that the Planning Board may not require more parking spaces than would be required for the proposed development by Section 9. In setting such requirements, the Planning Board shall take due account of the ability of various VPUD uses having different peak demand periods to share parking facilities.

J. The Landscaping and Buffers requirements of Section 8 of this Zoning By-Law shall apply to a VPUD, provided that as part of a VPUD Special Permit, such requirements may be waived or reduced by the Planning Board in its sound discretion, consistent with an appropriate plan for the overall landscaping of the VPUD development that is protective of abutters and enhances the visual character of the development.

K. The provisions of Section 5.100, Rate of Development, shall not apply to development within a VPUD, provided however that during any calendar year, the maximum number of dwelling units that may be constructed in a VPUD shall not exceed one and one half percent (1-1/2%) of the total number of dwelling units in the Town as shown on the records of the Board of Assessors for the year during which the application is approved by the Planning Board.

L. The Planning Board shall require as a condition of approval of a VPUD Special Permit, that prior to the issuance of occupancy permits, the construction of access ways and drives, the installation of municipal services, and the provisions for landscaping and other amenities shall be secured by a deposit of money or negotiable securities reasonably sufficient in the opinion of the Planning Board to secure said performance. Where development is to be phased over time, this requirement for security shall pertain to the access, services, landscaping and other amenities associated with the portion of the development for which the developer is seeking occupancy permits.

6.11.60 Procedure

The applicant for a VPUD Special Permit shall submit an application for Special Permit and Site Plan Approval under this Section in lieu of any other approvals under the Zoning By-law. The application shall follow the procedural provisions of Section 10 of this Zoning Bylaw and the following:

A. Prior to submitting a formal application, it is recommended that the applicant meet with the Planning Board in order to present its preliminary concept for the VPUD proposal and to obtain the Planning Board's recommendations and feedback as to that proposal.

B. In addition to the information required under Section 10.100 of the Zoning Bylaw, the Site Plan shall include the following:

1. Total area of the parcel of land.

2. Total area of all wetlands resource areas, floodplains and land restricted by covenants or easements.

3. Total areas to be used for residential and non-residential use.

4. Total area to be dedicated as Common Open Space.

5. Total area to be devoted to paved surfaces to include roads, drives and parking areas.

C. All access roads and drives, interior roads and drives, drainage systems, provision for underground utilities and municipal services, and other site improvements shall be shown on a plan prepared in accordance with the provisions of the Planning Board Rules and Regulations Governing the Subdivision of Land relative to a Definitive Subdivision Plan, provided that the Planning Board may waive any of these plan preparation requirements in its sound discretion upon the request of the Applicant.

D. In addition to the procedural requirements of Section 10.300, Architectural Plans in accordance with Section 6.11.40.A. shall be submitted for to the Hanover Design Review Board for review and comment.

E. The Planning Board shall review the application for VPUD Special Permit and Site Plan Approval in accordance with the provisions of this Zoning Bylaw, Sections 9 & 11 of Chapter 40A (The Zoning Act) and the Rules and Regulations of the Planning Board relative to the Grant of Special Permits. To the extent that the VPUD development contemplates a subdivision of the parcel of land that is to be the subject of the VPUD, the Special Permit and Site Plan Approval process before the Planning Board may be conducted simultaneously with the Planning Board's review of the Definitive Subdivision Plan, to the extent permitted under state law.

F. In reviewing an application for VPUD Special Permit and Site Plan Approval, the Planning Board shall consider the extent to which the proposal addresses the following factors:

1. Impact on wetlands and vernal pools and their buffer zones, provided that proposed development within the VPUD that is authorized by an order of conditions from the Hanover Conservation Commission, or is outside the 100 foot buffer zone from a wetland resource area, shall be conclusively presumed to satisfy this criterion.

2. Provision for the creation of civic spaces such as plazas, playing fields, community gardens, playgrounds, and parks near dwellings and commercial uses, as appropriate.

3. Compliance with the applicable requirements of Section 6.800 concerning the Water Resource Protection District with respect to any portion of the VPUD located within the Water Resource Protection District.

4. Provision for a diversity of housing options, including apartments, live and work units, studios, and other alternatives to detached single family housing that will create greater diversity within the Town of Hanover's housing stock.

5. The use of low impact development techniques during construction.

6. The mitigation of off-site traffic impacts specifically caused by the VPUD development, through the provision of reasonable off-site improvements to road capacity and safety.

7. Overall development layout, architectural design, landscape design, and facility design.

G. All applications shall be reviewed by the Planning Board's Consultant Review Engineer. The applicant, in accordance with the Planning Board Rules and Regulations, shall deposit with the Treasurer of the Town funds in the amount of six thousand dollars ($6,000.00) for the purpose of covering the initial costs associated with said engineering review. Funds shall be accounted for in accordance with G.L. c. 44 sec. 53G, and unexpended funds shall be returned to the Applicant. The applicant shall provide additional funds in the amount of $3,000, whenever notified by the Planning Board that actual remaining funds are less than $3,000.

H. All non-residential development within a VPUD development shall be subject to the provisions of Section 11 and Section 10.030 of the Zoning Bylaw for project thresholds, submission of a Development Impact Statement (DIS) and mitigation of development impacts accordingly. The Traffic Impact Assessment required under Section 10.120.A. shall be prepared by a registered Traffic Engineer. The Environmental Impact Assessment required under Section 10.120.B. shall be prepared by a registered Environmental Engineer.

I. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

6.12.0 – INTERCHANGE DISTRICT

Purpose: The purpose and intent of allowing for an "Interchange District" Overlay Zoning is to encourage and promote the development of projects that are characterized by economically viable commercial uses which are regional in nature and benefit from or require adjacent highway access.

6.12.10 Uses Allowed: The following uses are allowed in the Interchange District.

A. Uses allowed in underlying Districts pursuant to the requirements of such Districts, except as otherwise provided herein.

6.12.20 Uses Permitted by Special Permit: The following uses are permitted upon application to and granting of a Special Permit in the Interchange District.

A. Uses allowed by Special Permit in underlying Districts pursuant to the requirements of such Districts.

6.12.30 Uses Permitted by Special Permit and with Site Plan Approval: The following uses are permitted upon application to and granting of a Special Permit with Site Plan Approval in the Interchange District.

A. Uses allowed by Special Permit and with Site Plan Approval in underlying Districts pursuant to the requirements of such Districts.

6.12.40 Additional Uses Permitted by Special Permit and with Site Plan Approval: The following additional uses are permitted in the Interchange District without regard to the underlying District upon application to and granting of a Special Permit with Site Plan Approval by the Planning Board, acting as the Special Permit Granting Authority, as specified in Section 10 of this Bylaw. The applicant shall clearly demonstrate to the Board that said use is safe and appropriate for the specific site and that it will not create a nuisance by virtue of noise, traffic generated or unsightliness.

A. **Hotel.**

B. **Convention Center and Conference Center** developed in conjunction with a hotel facility**.** A convention center shall be defined as a facility designed to accommodate 500 or fewer persons and used for conventions, conferences, seminars, and entertainment functions, along with accessory functions including food and beverage preparation and service for on-premises consumption. A conference center shall be defined as a facility used for service organizations, business and professional conferences, and seminars which may include sleeping, eating, and recreation accommodations principally intended for use by conference attendees. The accommodations can include sleeping, eating, and recreation. Any convention center or conference center shall be part of the physical complex of a hotel and shall be subject to the management and operation by said hotel.

C. **Office Park.** An office park shall be defined as a development that contains a number of separate buildings which may be occupied for business office, medical and professional office and research and development uses, including supporting ancillary uses, and open space. Ancillary uses allowed within approved office park buildings may include food service, sandwich and coffee shops, convenience retail, banking facilities including ATMs, newsstands, and like uses principally for the convenience of office park employees. An office park shall be designed, planned, constructed and managed on an integrated and coordinated basis with special attention to circulation, parking, utility needs, aesthetics, and compatibility among the buildings and uses within the office park.

D. **Restaurants**.

E. **Retail Stores or Service Establishments** the principal activity of which shall be offering goods or services at retail within a building which is within four hundred (400) feet of Washington Street (Route 53) or seven hundred (700) feet of Webster Street (Route 123).

F. **Parking Garage** (subject to architectural design review pursuant to subsection 6.12.80.B) serving uses located within the Interchange District, whether or not on the same lot as such uses.

G. **Surface Parking Lots, Access Roads, Driveways, and Utilities** serving uses located within the Interchange District, whether or not on the same lot as such uses.

H. **Wastewater Treatment Plant or Facility** designed and operated in accordance with the applicable requirements of, and having a groundwater discharge permit from the Massachusetts Department of Environmental Protection in accordance with, the provisions of 314 C.M.R. 5.00, and intended principally to service the uses located within the Interchange District.

6.12.50 Prohibited Uses: The following uses are prohibited within the Interchange District whether or not allowed in the underlying District.

A. Residential Uses (not including hotels permitted in accordance with subsection 6.12.40.A.).
B. Warehousing and similar storage facilities.
C. Automobile Dealerships, Service or Repair Shops.

6.12.60 Dimensional Requirements for all projects permitted pursuant to subsection 6.12.40:

A. Unless otherwise specified within this Section, all applicable Business District requirements of Section 7, "Dimensional Requirements" shall apply within the Interchange District.

B. A minimum one hundred and fifty (150) foot wide continuous and heavily vegetated Buffer Area, measured from the boundaries of the Interchange District, shall be provided for any development within the Interchange District from the boundaries of said District as further defined by Section 8, "Landscaping and Buffer Zones." The buffer area shall be continuous, heavily vegetated, and shall be of a minimum width of not less than one hundred and fifty (150) feet. No buildings, structures, parking areas, or other new construction shall be allowed within the Buffer Area, except for pedestrian paths, signage and utilities serving uses within the Interchange District, as shown on an approved Site Plan. The buffer area shall be landscaped with natural vegetation, new plantings, or a combination, which shall include groundcover, shrubs, and trees in accordance with the provisions of Section 8 of this Zoning Bylaw. The applicant shall have the burden of proof to ensure that sufficient landscaping exists or is proposed to provide a continuous buffer and visual screening from the development for any and all residential uses. The requirements of Section 8 may be waived or reduced by the Planning Board in its sound discretion, consistent with an appropriate plan for the overall landscaping of the proposed development that is protective of abutters outside the Interchange District and enhances the visual character of the development. This provision shall not apply at those boundaries of the Interchange District along any state numbered highway, including Route 3 and Route 53.

C. A minimum three hundred (300) foot setback shall be provided from the boundaries of the Interchange District for any buildings within the Interchange District from the boundaries of said District. This provision shall not apply to those boundaries of the Interchange District along any state numbered highway, including Route 3 and Route 53.

D. Notwithstanding the provisions of Section 7.100, "Height Regulations," any building or structure within the Interchange District shall not exceed sixty (60) feet at any face measured from the average grade for each such face, and shall not exceed five (5) stories above the average grade at the foundation lines. However, any buildings within the Interchange District in excess of forty-eight (48) feet or four (4) stories in height shall be located within six hundred (600) feet of the northeast Interchange District boundary line abutting the Right-of-Way for Route 3 and Route 3/Route 53 interchange.

E. Notwithstanding the provisions of Section 7 "Dimensional Regulations" Lot Frontage within the Interchange Zoning District shall be a minimum of one hundred-fifty (150) feet. If a lot abuts more than one way, only one lot frontage is required to meet this minimum.

F. Notwithstanding the provisions of Section 7, "Dimensional Regulations," Minimum Lot Size within the Interchange Zoning District shall be seventy-five (75) acres.

6.12.70 Parking Requirements for all projects permitted pursuant to Section 6.12.40:

A Unless otherwise specified within this Section, all applicable requirements of Section 9, "Parking Requirements" shall apply within the Interchange District. The Planning Board may waive or reduce the requirements of Section 9 for development within the Interchange District in accordance with the requirements of Section 9.300.

B. In determining the parking requirements for a development within the Interchange District, the Planning Board shall reference Table 9-1 and other parking standards such as those published by the

Institute of Transportation Engineers, and shall set such requirements as are necessary to meet the realistic requirements of the proposed development. In setting such requirements, the Planning Board shall take due account of the ability of various uses having different peak demand periods to share parking facilities.

C. All parking spaces shall be a minimum of nine (9) feet in width by eighteen (18) feet in length.

D. Notwithstanding the provisions of Section 9 "Parking and Loading Requirements" parking spaces for all hotel uses within the Interchange Zoning District shall be provided at a ratio of at least one (1) space per every bedroom plus adequate loading, service and employee parking commensurate with the use, as determined by the Planning Board in consideration of the proposed use and location.

E. Notwithstanding the provisions of Section 9 "Parking and Loading Requirements" parking spaces for all convention and conference uses within the Interchange Zoning District shall be provided at a ratio of at least one (1) space for every three (3) seats or occupants permitted by the Building Code and certified by the Inspector of Buildings plus adequate loading, service and employee parking commensurate with the use, as determined by the Planning Board in consideration of the proposed use and location.

F. Notwithstanding the provisions of Section 9 "Parking and Loading Requirements" parking spaces for all office uses within the Interchange Zoning District shall be provided as one space per three hundred sq. ft. of GFA, but not fewer than five per separate enterprise, plus adequate loading, service and employee parking commensurate with the use, as determined by the Planning Board in consideration of the proposed use and location.

G. Parking lots may be constructed with concrete or granite curbing. All access drives must be constructed with granite curbing. No bituminous curbing may be utilized along any access drives or within any parking lots.

H. A use or building within the Interchange District need not be served by a parking facility located on the same building lot.

I. Primary access for all development within the Interchange District shall be provided from Route 53. A secondary access to the development may be allowed from Webster Street if requested or approved by the Fire Department. No vehicular access to the development shall be located within the Buffer Area required under Section 6.12.60.B.

J. The Planning Board may reduce the requirements of Section 6.12.70 in accordance with the provisions of Section 9.300 and further taking into account any shared parking facilities, existing or proposed.

6.12.80 Additional Requirements for all projects permitted pursuant to Section 6.12.40:

A Traffic Impact Assessment shall be required in accordance with Section 10.120.A. to determine the necessary capacity of such roads and/or drives, and to determine what transportation improvements will be required by the applicant for existing and proposed roads to ensure such capacity is provided for under the proposed development scheme.

B. All proposed buildings within the Interchange District shall be subject to design review and approval by the Planning Board prior to overall project approval. Architectural Plans shall be provided to the Planning Board by the applicant for all buildings and structures proposed. Such Architectural Plans showing elevations of all typical principal structures shall be prepared by a Registered Professional Architect.

The applicant shall provide specifications for building materials and shall ensure that the facades of all buildings are reasonably articulated. The applicant shall be required to adhere substantially to the design scheme submitted and approved by the Planning Board as part of any Building Permit application and to substantially complete approved façade treatments prior to issuance of Site Plan Signoff by the Planning Board or Town Planner and prior to the issuance of any Certificate of Occupancy. Minor modifications to approved site plans and building designs that do not depart from the overall design concept or represent a change in architectural style may be reviewed and approved by the Town Planner and authorized on that basis, or referred to the Planning Board for review under the Limited Site Plan Review procedures of Section 10.400 as a modification to the previously approved plans.

Except on the ground floor of structures, vertical dimensions of all windows should be greater than their horizontal dimensions. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements should define the front entrance to all structures.

C. All buildings, structures, open spaces, roads and drives, parking areas and other development features shall be designed and located with consideration for the existing natural terrain and minimizing overall environmental impacts on the site, to the extent practical in view of the proposed development program.

D. All exterior lighting, whether placed along roads, drives, or walks, in parking areas, or on structures or other facilities, shall be arranged and shielded so as not to distract in an unreasonable manner the occupants of any dwelling(s) nor shine directly upon abutting properties and/or public ways. All lighting shall be pure white illumination. A detailed lighting plan shall be submitted as part of any Special Permit application to verify compliance with this section. Said plan shall include illumination labels and detailed specifications for proposed lighting fixtures.

E. All existing or proposed utilities and municipal services within the Interchange District shall be installed underground at the time of initial construction except to the extent that this provision is waived by the Planning Board as part of the Special Permit.

F. Provisions shall be made for the storage, collection and removal of all solid waste generated by buildings or uses within the Interchange District. All necessary waste storage facilities, including but not limited to dumpsters, shall be screened from public view by wood stockade, brick or similar fencing or walls, a minimum of six (6) feet in height, and in no case less than the height required to shield the structures from public view. Trash removal shall be limited to between the hours of 7AM and 7 PM.

G. Individual lots within the Interchange District may contain multiple buildings and multiple uses, and individual buildings within the Interchange District may contain a combination of uses as provided for in an approved development plan.

H. Proposed developments shall be subject to the provisions of Section 11 and Section 10.030 of the Zoning Bylaw for project thresholds, submission of a Development Impact Statement (DIS) and mitigation of development impacts accordingly. Said DIS shall include sections addressing impacts from the proposed development on the environment, traffic, municipal facilities and services (police, fire, public works, etc.), water supply, utilities and infrastructure and wastewater. The Traffic Impact Assessment required under Section 10.120.A. shall be prepared by a registered professional Traffic or Civil Engineer. The Environmental Impact Assessment required under Section 10.120.B. shall be prepared by a registered professional Environmental Engineer or other qualified professional(s) with expertise in the relevant subject matter areas. The applicant shall mitigate all off-site traffic impacts anticipated by the proposed development, through the provision of reasonable off-site improvements to road capacity and safety or by other effective means. The DIS shall include an assessment of the sound and visual impacts from the proposed development on adjacent residential properties and shall propose buffering and screening sufficient to mitigate sound and visual impacts from the proposed development.

I. All applications shall be reviewed by the Planning Board's Consultant Review Engineer. The applicant, in accordance with the Planning Board Rules and Regulations, shall deposit with the Treasurer of the Town funds in the amount of six thousand dollars ($6,000.00) for the purpose of covering the initial costs associated with said engineering review. Funds shall be accounted for in accordance with G.L. c. 44 sec. 53G, and unexpended funds shall be returned to the Applicant. The applicant shall provide additional funds in the amount of $3,000, whenever notified by the Planning Board that actual remaining funds are less than $3,000. The Planning Board may require that the applicant and developer maintain such consultant review funds during both permitting and construction of the project to ensure proper construction and compliance with permit conditions.

6.12.90 Severability: The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

6.13.0 – BODY ART ESTABLISHMENTS

6.13.1 Purpose and Intent:

A. It is the purpose of this section to regulate the application of Body Art within the Town of Hanover and to provide for the health, safety, interest and general welfare of the citizens of Hanover.

6.13.2 Definitions:

Body Art: The practice of physical body adornment by permitting establishments and practitioners using, but not limited to, the following techniques: body piercing (excluding piercing of the earlobe with a pre-sterilized single-use stud-and-clasp system manufactured exclusively for ear piercing), tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Massachusetts Board of Registration in Medicine, such as implants under the skin, which are prohibited.

Body Art Establishment: A location, place, or business that has been granted a Special Permit by the Planning Board, whether public or private, where the practices of Body Art are performed, whether or not for profit.

6.13.3 Special Permit Required:

A. A Body Art Establishment shall only be permitted in the Town of Hanover within the Adult Use District (as described in Section 3.120.E.), subject to issuance of a Special Permit under this Section, and provided the proposed use complies with all Dimensional Requirements of Section 7 (Dimensional Regulations) and Section 10 (Site Plan Approval), as applicable.

B. For the purposes of this Section, the Planning Board shall be the Special Permit Granting Authority (SPGA). The SPGA may grant a Special Permit only if it finds that the proposed use complies with the provisions of this bylaw and is consistent with the applicable criteria for granting Special Permits.

6.13.4 Additional Dimensional Requirements for Body Art Establishments:

A. No Body Art Establishment shall be located within eight hundred (800) feet of any other Body Art Establishment.

B. No Body Art Establishment shall be located within three hundred feet of the Residence A Zoning District.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

6.13.5 Additional Requirements & Provisions for Body Art Establishments:

A. Body Art Establishments shall not be considered a Home Occupation as defined in Section 2.100.

B. Body Art Establishment shall not be located in any residence or in any establishment where liquor is sold or consumed or as an accessory use to any other use permitted in this Bylaw.

C. Body Art Establishments shall in no case operate between the hours of 10:00 p.m. and 10:00 a.m.

D. Notwithstanding any other section of the Bylaw, Body Art Establishments shall provide for a minimum of two parking spaces.

E. Body Art Establishments shall comply with all provisions of the Hanover Sign Bylaw.

F. Body Art Establishments shall not be operated without a valid permit from the Board of Health.

G. All exterior building openings, entries and windows shall be screened in such a manner as to prevent the public's view of the interior from any public or private way or from any abutting property.

H. No Body Art Establishment may have any flashing lights visible from the exterior of the premises.

I. Exterior signs shall identify the name of the establishment but shall not contain any other advertisement or information.

6.14.0 – WIND ENERGY FACILITIES

6.14.1 Purpose and Intent:

A. It is the express purpose of this bylaw to accommodate large distributed generation, wind energy conversion facilities, hereinafter referred to as a wind turbine(s), in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the facilities. The bylaw enables the review of wind turbines by the town's Zoning Board of Appeals in keeping with the Town's existing bylaws. This bylaw is intended to be used in conjunction with other regulations adopted by the Town, including site plan review and other local bylaws designed to encourage appropriate land use, environmental protection, and provision of adequate infrastructure development in Hanover.

6.14.2 Definitions:

Wind Turbine: Any device that converts kinetic energy of the wind into rotational energy to drive an electrical generator, regardless of size. A wind turbine typically consists of a rotor, nacelle and supporting tower.

Nacelle: The frame and housing at the top of the tower that encloses the gearbox and generators and protects them from the weather.

Wind Energy Conversion Facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines.

6.14.3 Special Permit & Site Plan Approval Required:

A. The construction of any wind turbine in the Town of Hanover shall be permitted in all zoning districts, subject to issuance of a Special Permit under this Section, and provided the proposed use complies with all Dimensional Requirements of Section 7 (Dimensional Regulations) and Section 10 (Site Plan Approval), except where alternative requirements are specified herein.

B. For the purposes of this Section, the Zoning Board of Appeals (ZBA) shall be the Special Permit Granting Authority (SPGA). The SPGA may grant a Special Permit only if it finds that the proposed use complies with the provisions of this bylaw and is consistent with the applicable criteria for granting Special Permits.

6.14.4 Dimensional Requirements for Wind Turbines:

A. Notwithstanding the requirements of Section 7 (Dimensional Regulations) wind turbines shall have a maximum height of three hundred and fifty (350) feet, as measured from the pre-construction grade to the highest point reached by the nacelle. The SPGA may allow this height to be exceeded as part of the Special Permit process if the project proponent can demonstrate that the additional height is needed and that the additional benefits of the higher tower outweigh any adverse impacts.

B. All free-standing wind turbines shall be of monopole design. No lattice style towers or guyed towers shall be allowed or permitted.

C. All roof-top mounted wind turbines or similar uses shall not extend more than ten (10) feet in height

above the line of the roof of the existing structure, shall be painted so as to blend with the existing structure; shall be screened to whatever extent possible so as to minimize visibility from abutting properties and ways; and

6.14.5 Setback & Buffers for Wind Turbines:

A. Each wind energy conversion facility and its associated equipment shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, in order to ensure public safety and to protect the interest of neighboring property owners, the minimum distance from the base of any wind turbine tower to any property line in a residential district, shall be equal to the total height of the turbine to the highest point.

B. No free-standing wind turbine shall be constructed within one hundred and fifty (150) feet of any existing or proposed structure except for structures accessory to said tower.

6.14.6 Additional Requirements for Wind Turbines:

A. All wind turbines shall comply with all applicable federal, state and local requirements for such facilities, including electrical, construction, noise, safety, environmental and communications requirements.

B. The proponent shall demonstrate through project siting and proposed mitigation that the wind turbine minimizes any impact on the visual character of surrounding neighborhoods and the community; this may include, without limitation, information regarding site selection, turbine design, buffering, lighting and cable layout.

C. Wind turbines shall be painted a non-reflective and non-glare color, which shall be approved by the SPGA.

D. Wind turbine(s) shall be lighted only if required by the Federal Aviation Administration (FAA). The proponent shall provide a copy of the FAA's determination to establish the required marking and /or lights for the structure.

E. Lighting of equipment structures and any other facilities on site (except lighting) required by the FAA shall be shielded from abutting properties.

F. Signs on the facility shall be limited to those needed to identify the property and the owner and warn of any danger; and educational signs providing information on the technology and renewable energy usage. All signs shall comply with the requirements of the Town's Sign Bylaw unless relief is granted by the SPGA.

G. Wind turbines shall be designed to minimize land clearing and fragmentation of open space areas and shall avoid permanently protected open space when feasible. Wind turbines should be sited to make use of previously developed areas wherever possible. Wind turbines facilities shall also be located in a manner that does not have significant negative impacts on rare species in the vicinity (particularly avian species, bats, etc.) as may be applicable law.

H. The wind turbine and associated equipment shall conform with Massachusetts noise regulations (310 CMR 7.10). An analysis prepared by a qualified engineer shall be presented to demonstrate compliance

with these noise standards and shall be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement.

I. Wind turbines shall be sited in a manner that does not result in significant shadowing or flicker impacts. Applicant must demonstrate that this effect does not have significant adverse impact on adjacent uses through siting.

6.14.7 Use of Wind Turbines by Telecommunications Carriers:

Notwithstanding Section 6.900 or any other bylaw to the contrary, wind turbines may be used to locate telecommunications antennas, subject to applicable law governing such uses and structures, and subject to the following additional requirements:

A. All ground-mounted telecommunications equipment shall be located in either a shelter, within the wind turbine tower or otherwise screened from view year-round (either through effective landscaping or existing natural vegetated buffers);

B. Antennas shall be flush-mounted to be in keeping with the design of the wind turbine tower; and;

C. All cabling associated with the personal wireless facility shall be contained within the tower structure or enclosed within a conduit painted to match the turbine mount.

D. Unless otherwise provided for herein, all telecommunications antennas shall be in accordance with Section 6.950 (Wireless Telecommunications Antenna Regulations) with approval granted by the Zoning Board of Appeals.

6.15 TEMPORARY MORATORIUM - MEDICAL MARIJUANA TREATMENT CENTERS

6.15.1 Purpose

This moratorium is intended to provide restrictions that will allow the Town of Hanover ("Town") adequate time to consider whether to allow facilities associated with the medical use of marijuana (including Medical Marijuana Treatment Centers as defined herein), to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions. Given that a law permitting the cultivation, distribution, possession and use of marijuana for medical purposes in the Commonwealth of Massachusetts was approved by vote at the state election on November 6, 2012 and has become effective on January 1, 2013, and that the Massachusetts Department of Public Health has yet to promulgate the regulations by which facilities that produce or dispense medical marijuana shall be registered and administered, a restriction on the establishment of such facilities and other uses related to the regulation of medical marijuana in the Town shall provide the opportunity: to study and consider the potential impacts of such facilities and other related uses on adjacent uses and on general public health, safety and welfare; to study and consider the related novel and complex legal and planning issues; and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures.

6.15.2 Exclusion of Other Marijuana Uses

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

6.15.3 Exclusion of Accessory Uses

In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

6.15.4 Temporary Moratorium

The use of land and/or structures for Medical Marijuana Treatment Centers and related uses shall not be permitted in any zoning district in the Town so long as this Moratorium is effective, as set forth in subsection 6.15.5 below and notwithstanding any provision in the Zoning Bylaws of the Town to the contrary. Use variances shall be strictly prohibited. During this Moratorium, the Town shall undertake a planning process consistent with the purposes set forth herein.

6.15.5 Expiration

This Moratorium shall be effective until May 1, 2014, which is one (1) year from the deadline for the Massachusetts Department of Public Health to promulgate regulations pursuant to the Medical Use of Marijuana Law voted at the state election on November 6, 2012.

(Amendment Approved May 6, 2013) (Approved by the Attorney General August 20, 2013)

Section 7 – Dimensional Regulations

SECTIONS SUMMARY

7.000 Requirements in All Zoning Districts
7.100 Height Regulations
7.200 Lot Size and Lot Area
7.300 Lot Frontages
7.400 Front, Side and Rear Setbacks
7.500 Coverage of Land (Building Coverage and Lot Coverage)
7.600 Special Provisions

7.000 – REQUIREMENTS IN ALL ZONING DISTRICTS

7.010 The following requirements apply to Dimensional Regulations in all zoning districts:

A. No structure shall be erected and no use shall be established and no site shall be developed except in conformance with the Dimensional Regulations depicted in Table 7-1 and/or further described or delineated in Section 7, below.

B. In the case of existing uses in non-residential districts, or pre-existing, non-conforming uses, structures or other non-conformances in any zoning district, no expansion or substantial change of use or substantial change in the nature of a use or expansion of a structure, except for single family residential dwellings, shall be allowed or permitted until an application for Site Plan Approval has been submitted to the appropriate Site Plan Reviewing Board, and such application has been approved in accordance with Section 10, and until such use, structure or expansion has been brought into conformance with all dimensional regulations of Section 7, and all other provisions of this Zoning Bylaw, except as may be exempted by the provisions of Section 4 of this Bylaw. Exempted from this requirement are conforming applications which do not exceed the threshold provisions of Sections 10.030 and/or 11.120 of this Zoning Bylaw.

C. All dimensional regulations of Section 7 shall be contiguous and uninterrupted.

TABLE 7 - 1

DIMENSIONAL REGULATIONS

Zoning District	Minimum[2] Lot Size	Lot[3] Frontage	Front Setback	Side Setback	Rear Setback	Building Coverage	Lot[8] Coverage
Residence A	30,000 sq. ft[1]	150[4]	50	20	40	----	30%
Business	44,000 sq. ft.	150	75[5]	15[6]	15[6]	Sec. 7.500	60%
Commercial	44,000 sq. ft.	200	75[5]	15[6]	25[6]	Sec. 7.500[9]	60%[9]
Planned Shopping Center	44,000 sq. ft.	200	75[5]	15[6]	25[6]	25%	70%
Limited Industrial	44,000 sq. ft.	200	75[5]	25[7]	50[7]	17.5%[9]	60%[9]
Industrial	44,000 sq. ft.	200	75[5]	25[7]	50[7]	17.5%[9]	60%[9]
Fireworks[10]	44,000 sq. ft.	200	50[5]	25[7]	40[7]	17.5%[9]	60%[9]

NOTES: All measurements are in feet unless otherwise specified except for Lot Size which is in square feet.

All dimensions are minimum requirements except for Building Coverage and Lot Coverage which are maximum allowances.

1. *A Minimum Lot Size of sixty thousand (60,000) square feet shall be required in an Aquifer Protection Zone in accordance with Section 6.860B.4 of this Bylaw.*

2. *Except in the Planned Shopping Center District any portion of a lot which is located in a wetlands resource area or in a Well Protection Zone shall not be used to meet any of the dimensional regulations of Section 7, except that ten percent (10%) of that area of the lot which is located within the 200 foot riverfront area may be utilized to meet the Lot Area requirements of said Section 7.*

3. *In all zoning districts, corner lots shall possess the minimum required Frontage along both intersecting ways.*

4. *In the Residence A District, a lot may have a minimum frontage of eighty (80) feet provided that the entire frontage of the lot lies along the turning radius of a cul-de-sac and provided that the lot complies with the provisions of Section 7.330 of this Bylaw.*

5. *Front Setback may be fifty (50) feet if no more than five (5) parking spaces are provided in the front yard.*

6. *A fifty (50) foot buffer shall be added if abutting the Residence A District.*

7. *A one hundred (100) foot buffer shall be added if abutting the Residence A District.*

8. *Within an Aquifer Protection Zone, no lot shall have Lot Coverage which exceeds fifty percent (50%) of the total lot area.*

9. *Lots which contain a functioning railroad freight siding may exceed the Building Coverage and Lot Coverage requirements upon the grant of a Special Permit by the Zoning Board of Appeals in accordance with the provisions of Section 7.540E. of this Bylaw.*

10. *Dimensional Regulations in the Fireworks District may be relaxed upon the grant of a Special Permit by the Planning Board in accordance with the provisions of Sections 6.620 and 6.630 of this Bylaw.*

7.100 – HEIGHT REGULATIONS

7.110 The height of any building or structure shall not exceed thirty-five (35) feet at any face measured from the average grade for each such face, and shall not exceed three (3) stories above the average grade at the foundation lines.

7.120 Limitations of height shall not apply to spires, domes, steeples, radio towers, chimneys, broadcasting and television antennae, bulkheads, cooling towers, ventilators and other appurtenances usually carried above the roof, or to farm buildings, churches and municipal or institutional buildings, provided that for uses which require a Special Permit and/or Site Plan Approval, such has been so granted in accordance with the provisions of this Bylaw.

7.130 Heights defined in Sections 7.110 and 7.120 shall not exceed the limits defined by Chapter 756 of the Massachusetts General Laws of 1960 and any more restrictive amendments thereto.

7.200 – LOT SIZE AND LOT AREA

7.210 In all zoning districts, minimum lot size shall be as depicted in Table 7-1.

7.220 In all zoning districts, any portion of a lot which is located in a Wetlands resource area or in a Well Protection Zone shall not be used to meet any of the dimensional regulations of Section 7 except in accordance with Section 8.110 of this Bylaw and except that ten percent (10%) of that area of the lot which is located within the 200 foot riverfront area may be utilized to meet the lot area requirements of said Section 7.

7.300 – LOT FRONTAGES

7.310 In all zoning districts, minimum lot frontage shall be as depicted in Table 7-1.

7.320 All frontage measurements are in feet and shall be measured at the way line and shall be contiguous and uninterrupted.

7.330 In the Residence A District, if a lot conforms to all dimensional regulations except for frontage and fronts entirely on a turning radius of approved design, said lot may have a minimum frontage of eighty (80) feet provided that the minimum required frontage for the district can be measured by a straight line drawn parallel to a tangent at the way line, said tangent being drawn through a point at the center of the lot's frontage, and provided that no structure is erected closer to the way than said parallel line, nor closer than the minimum front setback shown in Table 7-1.

7.340 If a lot has frontage on two (2) ways, both frontages shall meet the requirements of minimum lot frontage and minimum front setbacks appropriate for the zoning district in which the lot lies. In such a case, those lot lines considered not to be front lot lines shall be deemed to be side lot lines. A lot shall be considered to have frontage on two (2) ways if the frontage of the lot includes any point along the rounded corner between the two (2) intersecting ways. In such a case, frontage shall be measured from the point of intersection of the extended waylines and along each wayline to the point where a side lot line intersects that wayline.

7.350 No new side lot line shall be drawn so as to utilize the intersection of two (2) ways as the terminus of a lot boundary line. Any point along the rounded corner between two intersecting ways shall be considered as a portion of the intersection of the two ways.

7.360 That portion of a lot used as qualifying lot frontage shall be the actual access to that lot for vehicles, water service and other normal uses of lot frontage. This provision shall not apply to lots for which a Special Permit has been issued pursuant to Section 5.870.

(Amendment Approved May 14, 2007) (Approved by the Attorney General November 28, 2007)

7.400 – FRONT, SIDE AND REAR SETBACKS

7.410 In all zoning districts, minimum front, side and rear setbacks shall be as depicted in Table 7-1.

7.420 For purposes of determining the necessity of buffer areas, a lot shall be considered to abut the Residence A District if it abuts at the lot line itself either partially or for the entire length, if a portion of the Residence A District lies within the lot itself, or if a lot is in existence or is created which is not a normal building lot and abuts essentially for the purpose of derogating from the intent of this Bylaw. (See Section 8).

7.430 When a lot in the Business, Commercial or Planned Shopping Center Districts abuts a lot in the Residence A District along either a side or a rear lot line, there shall be a buffer strip of a minimum of fifty (50) feet in width along said lot line. (See Table 7-1.)

7.440 When a lot in the Limited Industrial, Industrial, or Fireworks Districts abuts a lot in the Residence A District along either a side or a rear lot line, there shall be a buffer strip of a minimum of one hundred (100) feet in width along said lot line. (See Table 7-1.)

7.500 – COVERAGE OF LAND (BUILDING COVERAGE AND LOT COVERAGE)

7.510 In all zoning districts, maximum building coverage and lot coverage shall be as depicted in Table 7-1.

7.520 Residence A District: Maximum lot coverage of land by structures, accessory structures, and paving shall not exceed thirty percent (30%) of the lot area except that within the Aquifer Protection Zone, no lot shall include an impervious area in excess of fifteen percent (15%) of the lot area nor retain less than forty percent (40%) of lot area in an undeveloped state, without redirecting surface water/stormwater runoff to recharge facilities and provided that a Special Permit is obtained in an Aquifer Protection Zone in accordance with Section 6.860B. of this Bylaw.

7.530 Planned Shopping Center District

A. Maximum building coverage of land by all structures shall not exceed twenty five percent (25%) of the lot area, and the maximum lot coverage, including structures, parking, service and storage areas shall not exceed seventy percent (70%) of the lot area. A decked or covered parking area shall not be included for purposes of calculating building coverage under this Section but shall be included for purposes of calculating lot coverage. All decked or covered parking areas shall be located a minimum of six hundred (600) feet from the way line of Washington Street and three hundred (300) feet from the way line of Mill Street.

B. Land located in abutting towns may be used to satisfy any of the requirements of this Section, provided that said land is contiguous to, and in common ownership with, land which is in Hanover and lies within said district.

7.540 Business, Commercial, Limited Industrial, Industrial and Fireworks Districts:

A. When the use is for a bank, restaurant, service station or any operation which generates similar high traffic counts, maximum building coverage shall not exceed twelve percent (12%) of the lot area. In computing such area, the gross floor area as defined in Section 2 shall be used unless a story above or below ground level is greater in area, in which case the greatest vertical projection to ground level of any story or other portion of a structure shall be used. The maximum lot coverage, including structures, parking and service area, storage areas, disposal areas, etc. shall not exceed sixty percent (60%) of the lot area. These coverage requirements shall also apply to any use wherein products are displayed or sold outside of a structure in whole or in part.

B. When the use is for general retailing of goods within a structure, the maximum building coverage shall not exceed fifteen percent (15%) of the lot area and the maximum lot coverage shall no*t* exceed sixty percent (60%) of the lot area.

C. When the use is for light industrial, general office, warehousing and similar low traffic uses, the maximum building coverage shall not exceed seventeen and one-half percent (17.5%) of the lot area and the maximum lot coverage shall not exceed sixty percent *(*60%) of the lot area.

D. For uses which are a combination of the above, the building and lot coverages shall be calculated on a pro-rata basis.

E. When a lot lies in the Commercial, Limited Industrial, Industrial, or Fireworks District, and said lot contains a functioning railroad freight siding, the Zoning Board of Appeals, acting as the Permit Granting Authority, may, by Special Permit, (1) waive setback requirements along the railroad siding to permit construction of loading and unloading docks; and (2) allow appropriate increases in building and lot coverage of land to facilitate rail freight usage. Such approval, which shall in no case exceed thirty-fire percent (35%) for building coverage nor seventy percent (70%) for lot coverage, shall include appropriate provisions to insure adequate truck and vehicle traffic access to a numbered State or Federal highway without the need to utilize residential streets or ways.

7.600 – SPECIAL PROVISIONS

7.610 Minimum Floor Area: In all zoning districts, a structure containing more than one dwelling unit shall have a floor area of a minimum of six hundred (600) square feet for each such dwelling unit.

7.620 Eaves, sills, steps, cornices, belt cornices, fences or walls, and similar features may project into front, side or rear setbacks provided that:

A. On a corner lot, in order to provide unobstructed visibility at intersections, no sign, fence, wall, tree, hedge or other vegetation, and no building or other structure shall be erected, placed, constructed or maintained at a height of more than three (3) feet above the established paved grades of the abutting ways within that area which is located within twenty five (25) feet of the point of intersection of the waylines of the two (2) abutting ways.

B. No yard, lot area, setback, buffer or other open space required for a building or structure by this Bylaw, shall, during the existence of such building or structure, be occupied by or counted as open space for another such building or structure. No lot area shall be so reduced or diminished such that the yards, setbacks, buffers or other open space shall be smaller than that required by this Bylaw.

7.630 Wherever a buffer area is required, the measurements for side and rear setbacks shall be taken from the innermost buffer line and not from the lot lines, except as may be exempted by the provisions of Section 6.630 C of this Zoning Bylaw.

7.640 Within the Business District or the Commercial District, canopies or porticos may be placed within the minimum required setback distances provided that an application for a Special Permit and for Site Plan Review has been submitted to, and granted by, the Planning Board, acting as the Special Permit Granting Authority, in accordance with the provisions of Section 10 of this Bylaw.

7.650 Minimum Size of Parking Spaces: In the Planned Shopping District, parking spaces shall be no smaller than nine (9) feet in width by twenty (20) feet in length in accordance with Section 9.020. In all other zoning districts, parking spaces shall be no smaller than ten (10) feet in width by twenty (20) feet in length in accordance with Section 9.110E. except as may be exempted by Section 9.040A.

7.660 In any non-residential zoning district and for all non-residential uses in the Residential A District, any use, activity, construction, installation, or reconstruction, including the installation of septic systems, which, upon completion, causes a change in final grade or elevation in excess of one (1) foot over an area of five hundred (500) square feet or greater, shall require a Special Permit from the Planning Board, acting as the Special Permit Granting Authority. The Special Permit may be granted provided that the applicant clearly establishes that:

A. the use or activity shall not derogate from the intent of the Zoning Bylaw;

B. the final grade or elevation shall not adversely impact nor interfere with the safety and privacy of adjoining properties or ways; and

C. the final grade or elevation shall not cause an immediate or potential devaluation of property values of adjoining properties and/or of the general area.

7.670 All fences and corrals meant for animal or livestock containment shall maintain a setback of twenty (20) feet from any part of the fence to the nearest property line. This provision shall not apply to fences utilized for the containment of household pets such as dogs and cats. A Special Permit may be granted by the Board of Appeals, pursuant to this section authorizing lesser setbacks, provided that the applicant can demonstrate adequate screening and buffering will be maintained, sufficient in the opinion of the Board to provide equal or greater protection for adjacent properties (including residential lots) by way of existing or proposed fencing, landscaping and/or earthen berms.

Section 8 – Landscaping and Buffers

SECTIONS SUMMARY

8.000 Purpose
8.100 Buffer Area
8.200 Plantings for Buffer Areas
8.300 Existing Vegetation
8.400 Driveways Through Side Buffers
8.500 Parking Area Plantings

8.000 - PURPOSE

The purpose of a buffer area is to leave land in, or restore land to, its natural state, to preserve or restore vegetation, to maintain or restore natural land contours, and to maintain or restore visual screening. Further, the intent is to protect and preserve the value of property in the town; to preserve and protect the beauty and amenities of the town; to conserve natural conditions; to secure safety from congestion, traffic and blight; and to promote the general health, welfare, safety and convenience of the inhabitants of the town. Said buffer areas are also intended to be used to minimize conflicts between adjacent land uses.

8.100 – BUFFER AREA

8.110 When a lot in a non-residential district abuts a lot in the Residence A District, a buffer area shall be incorporated as designated in Section 7.400 and Table 7-1 of Section 7. These buffer areas shall be in conformity with the requirements of a buffer area delineated in this Section. The entire buffer shall be within the lot in question, but may be entirely or partly within the Residence A District if such district is included within the lot confines. Wetlands resource areas may be included within the buffer area if they are not disturbed except as may be permitted by an Order of Conditions obtained from the Conservation Commission.

8.120 The buffer within the Residence A District portion of the lot may be larger than required. Any portion of a buffer which is within a residential district shall immediately abut the zone line between the residential district and the non-residential district and extend into the non-residential for the minimum required width.

8.130 Lots in non-residential districts which do not abut lots in the Residence A District shall have minimum buffer areas as follows:

A. At the front way line, the buffer area shall be a minimum of twenty (20) feet in depth.

B. At side and rear lines, the buffer area shall be a minimum of fifteen (15) feet in width or depth.

8.200 – PLANTINGS FOR BUFFER AREAS

8.210 Within buffer areas, screening shall be retained or provided through proper landscaping.

8.220 Landscape Plan: A landscape plan shall be prepared by a Registered Landscape Architect showing locations for and identifying all plant material to be included in the Site Plan, whether newly planted or retained as existing vegetation. The plan shall also include a planting schedule indicating number of plants, botanical and common

names for all plant material, and details specifying proper excavation, soil preparation, planting methods, and methods for protecting plant materials during and after construction.

8.230 The arrangement of plant materials shall consider the relationship of plants in size, form, texture and color. The configuration and combinations of plant materials shall be in accordance with sound horticultural and landscape architectural practices.

8.240 All plant materials shall be selected for their disease resistance, hardiness, tolerance of roadside location, and minimal maintenance. Indigenous plants and those requiring low levels of water are encouraged.

8.250 Plantings for all buffer areas shall include the following categories of plant material. In all cases, a variety of species shall be selected, with an approximate mix of fifty percent (50%) evergreen and fifty percent (50%) deciduous species.

A. Upper Story Plantings: Trees shall be planted or retained in the buffers so that at maturity they form a foliage canopy above the other buffer plantings. Minimum caliper measurements shall mean diameter at breast height (dbh), which shall be five (5) feet from the ground level.

B. Lower Story Plantings: Shrubbery, including flowering, deciduous and evergreen plantings, shall be planted or retained to achieve appropriately dense screening below the foliage canopy of the upper story plantings for each buffer type.

C. Ground Covers: Ground covers shall be planted to fill the area of the buffer not covered by upper and lower plantings. Ground covers may include grasses, perennial flowering plants and bulbs, and spreading evergreen and deciduous ground covers. Mulches such as chipped bark or small stones may be used directly under shrubs and trees, but may not be used as a ground cover over broad areas of the buffer.

8.260 Front Buffer: Plantings for the front buffer shall include:

A. Upper Story Plantings: Trees shall be retained or planted in a staggered row at a maximum distance of twenty (20) feet on center, and there shall be a minimum of one (1) street tree per twenty (20) lineal feet of frontage. Such trees shall have a minimum three and one-half (3½) inch caliper at diameter breast height (dbh) when planted.

The Site Plan Reviewing Board may allow an applicant to cluster trees, rather than planting them individually in a row across the full length of the buffer. Trees may be grouped, if in the opinion of the Reviewing Board, such grouping improves the way in which the buffer plantings relate to the overall site plan or improves safety through increased sight distances. Further, in non-residential districts and non-residential portions of VPUD districts, the Site Plan Reviewing Board may reduce the number, size and extent of Upper Story Plantings, or waive the requirement for Upper Story Plantings in their entirety to the extent such Plantings are found to be detrimental to sight lines for traffic and/or pedestrian safety, or to hinder and/or impede the ability of the businesses on the site to be reasonably seen, and identified, or be visible from the way.

B. Lower Story Plantings: There shall be a minimum of one (1) shrub for each five (5) lineal feet of frontage. Shrubs shall be a minimum size of thirty (30) inches above grade when planted. Lower story plantings shall be selected and sited to assure safe sight distances when entering and leaving the site. Groupings of shrubs rather than rows are encouraged.

C. Ground Covers: A mix of lawn areas, flowering plants, and spreading ground covers is encouraged for the front buffer.

D. The inclusion of earthen berms, low fences and walls in the front buffer may be acceptable if their inclusion contributes to the overall aesthetics of the site plan.

E. When a proposed plan for widening a public way or state highway has been made public, the twenty (20) foot front buffer shall be measured from the proposed taking line, if any.

8.270 Side Buffers: Plantings for side buffers shall include:

A. Upper Story Plantings: Trees shall be planted in a staggered row at a minimum spacing of thirty (30) feet on center for the length of the buffer and shall have a minimum caliper at dbh of two and one-half (2½) inches when planted. Species shall be chosen which reach a mature height of a minimum of thirty (30) feet.

B. Lower Story Plantings: Shrubs shall be planted or retained at a spacing to provide a continuous screen a minimum of six (6) feet in height at maturity. Shrubs shall be a minimum of thirty-six (36) inches when planted.

C. Ground Covers: Ground covers shall be planted in side buffers as specified in Section 8.250, above.

D. Fences or walls may be used in conjunction with side buffer plantings, but not in lieu of them.

8.280 Rear Buffer: Plantings for the rear buffer shall include:

A. Upper Story Plantings: Trees shall be planted or retained in a staggered row at a minimum distance of thirty (30) feet on center for the length of the buffer and shall have a minimum caliper at dbh of three and one-half (3½) inches. The Site Plan Reviewing Board may require more landscaping in the case of a site abutting residentially used or residentially zoned land as may be appropriate to provide screening and protection.

B. Lower Story Plantings: If the rear buffer is directly adjacent to a lot in the Residence A District, lower story plantings shall meet requirements for lower story plantings in Section 8.270 B. If the rear buffer is directly adjacent to land which is located in a Non-Residential District, lower story plantings shall meet requirements for lower story plantings in Section 8.260 B.

C. Ground Covers: Ground covers shall be planted in rear buffers as specified in Section 8.250, above.

D. Fences or walls may be used in conjunction with rear buffer plantings, but not in lieu of them.

8.290 Fencing: Fencing may be utilized if it is a supplement to and not a replacement for vegetative screening and is erected either at the lot line or at the innermost buffer area line, but not within the buffer area.

8.300 – EXISTING VEGETATION

8.310 When natural vegetative cover and natural contours can be preserved within the buffers, the Site Plan Reviewing Board may waive, in whole or in part, the strict enforcement of screening requirements, provided that existing natural screening substantially conforms to the intent of this Bylaw to the satisfaction of the Reviewing Board.

8.320 All plant materials required by this Bylaw, including retained vegetation, shall be maintained in a healthful condition and dead materials shall be replaced at the earliest appropriate season.

8.400 – DRIVEWAYS THROUGH SIDE BUFFERS

8.410 Driveways through side buffers may be permitted by Special Permit from the Planning Board, acting as the Special Permit Granting Authority. The purpose of said driveway shall be to provide access between adjacent businesses or lots and to minimize traffic on adjacent ways. The driveway shall not be wider than twenty-six (26) feet. The criteria for reviewing said Special Permit application shall be as follows:

A. Impact on convenience and safety of vehicular and pedestrian traffic within adjacent properties and decrease of traffic on adjacent ways.

B. Impact on landscaping and buffering. The benefits to vehicular and pedestrian safety shall be shown to outweigh the detriment to landscaping.

C. Side buffer driveways shall not be closer than one hundred and fifty (150) feet apart and shall not be closer than thirty (30) feet from the front property line.

D. The applicant shall demonstrate that the number of curb cuts on the abutting ways shall be decreased by virtue of driveways through the side buffer or that traffic on abutting ways shall be decreased by the proposed driveways.

E. Where driveways are permitted through side buffers, the landscaping requirements shall be increased by twenty percent (20%) above those listed in Section 8.270, above.

8.500 – PARKING AREA PLANTINGS

8.510 Landscaping and planting requirements for parking areas shall be in accordance with Section 9.200 of this Bylaw.

8.520 Whenever off-street parking is required in a non-residential zoning district in accordance with Section 9, there shall be a buffer area of a minimum of twenty (20) feet in width provided between the way line and the balance of the lot except at the access point. Said buffer area shall be seeded and landscaped in accordance with Section 9 of this Bylaw.

Section 9 – Parking and Loading Requirements

SECTIONS SUMMARY

9.000 Off-Street Parking and Loading Areas
9.100 Design and Location of Off Street Parking and Loading Areas
9.200 Parking Area Plantings
9.300 Reduction in Parking Requirements

9.000 – OFF-STREET PARKING AND LOADING AREAS

9.010 Requirements for off-street parking and loading areas in all Zoning Districts shall be as specified in Table 9-1 and this Section. These requirements shall be met for all new construction or when added demand is created by expansions, additions, or changes in existing uses. Adherence to these and all other requirements of this Bylaw shall be shown on a Site Plan submitted to and approved by the Planning Board, acting as the Special Permit Granting Authority. The specifications below shall be construed as minimum requirements. The Board may impose greater requirements relative to a specific site if in the opinion of the Board such may be necessary due to lot configuration, traffic issues, topography, public safety and similar criteria.

TABLE 9 - 1

MINIMUM PARKING REQUIREMENTS

Type of Use	Minimum Required (1) (2) Parking Spaces
Single family residential dwelling	One space. (Site Plan not required by the Planning Board.)
Dwellings	One parking space for each dwelling unit and sufficient off-street parking for visitors and employees.
Light Industry and warehouse	One space for per employee, but no fewer than one space per five hundred sq. ft. of gross floor area (GFA), plus adequate loading and service areas plus adequate visitor or customer parking.
Hotel/Motel	1.25 spaces per each unit, plus employee parking, loading and service areas. If restaurants, places of public assembly, or other uses are included within the same site, additional parking to meet such needs shall be required.
Nursing Home	One space per 2.5 beds, plus adequate service, employee parking and loading areas.
Business or Professional Office	One space per two hundred sq. ft. of GFA, but not fewer than five per separate enterprise, plus adequate loading, service and employee parking commensurate with the use, as determined by the Planning Board in consideration of the proposed use and location.
Banks, retail sales and/or service and other high traffic businesses	One space per two hundred sq. ft. of GFA, but not fewer than five per separate enterprise, plus adequate loading, service and employee parking commensurate with the use, as determined by the Planning Board in consideration of the proposed use and location.
Convenience stores, food stores and similar uses	Shall meet the requirements for "Banks, retail sales and/or service and other high traffic businesses" but shall further demonstrate to the Special Permit Granting Authority that adequate means are provided for entrances, egresses, parking, and walkways to assure safe and convenient vehicle and pedestrian traffic flow.
Restaurant	One space per three persons based on capacity (seats, stools, standing room, etc.) plus additional parking for loading, service and employees.
Restaurants, fast food/take-out	Minimum of five spaces, although more may be required based on projected customer volume, plus additional parking for loading, service and employees.
Repair Garage or other uses providing maintenance services	Two spaces for every service bay, and one space per three hundred sq. ft. of GFA plus adequate loading, service and employee parking areas. More may be required based on projected customer volume.
All other uses	One space per one hundred fifty sq. ft. of GFA, plus adequate loading, service and employee parking areas. Planning Board may allow other appropriate level of parking, but not less than one space per two hundred sq. ft. of GFA (See Section 9.300).

(1) The Reviewing Board may impose greater requirements relative to a specific site if, in the opinion of the Board, such may be necessary due to lot configuration, traffic issues, topography, public safety and similar criteria.

(2) A pro-rata formula may be used for mixed uses in accordance with Section 9.070, below.

9.020 Planned Shopping Center District: Notwithstanding the provision of any other part of this Bylaw to the contrary, where the gross floor area of retail uses on a lot in the Planned Shopping Center District exceeds two hundred thousand (200,000) square feet, there shall be provided one (1) parking space per three hundred (300) square feet of gross floor area. Each parking space shall be a minimum of nine (9) feet in width by twenty (20) feet in length unless it is shown to the satisfaction of the Special Permit Granting Authority that smaller spaces are appropriate and adequate in specific cases. There shall be a minimum of two hundred and eighty (280) square feet of net standing and maneuvering area for each such space, exclusive of loading and service areas. Areas contained within a decked or covered parking garage shall not be considered gross floor area for purposes of this Section.

9.030 Businesses offering drive-in, take-out and similar services: Such establishments shall include, but not be limited to, restaurants, photo processing, banks and similar enterprises providing drive-in windows and attached or free-standing units such as automated teller machines (ATM). In addition to providing the required parking indicated in Table 9-1 and adequate service, loading and employee parking areas, such uses shall provide adequate ingress and egress drives and queuing areas for vehicles approaching drive-in windows. When a drive-in window is attached to a principal structure, a minimum drive of fifteen (15) feet in width shall be provided for each window to provide for safe ingress and egress. Such drive shall extend a minimum of fifty (50) feet on both the approach and egress from the window and allow for a minimum of five (5) vehicles per drive to await service without impacting on traffic flow within the lot, or on driveways or any public way. The site shall be designed so that traffic flow beyond the window shall not conflict with queues at the window or with traffic flow within the lot, or on driveways or any public way. When a drive-in window is provided in a free-standing structure, all of the above requirements shall be met and, in addition, the ingress and egress drives shall be a minimum of twenty-five (25) feet in width and a minimum of ten (10) parking spaces shall be provided for employee and service use at such structure.

9.040 Automotive uses: Such uses shall include, but not be limited to gas stations, service stations, repair shops or garages and automobile dealerships. The design of entrances, drives, and egresses shall provide for adequate vehicle holding patterns commensurate with the use. All automotive uses shall include adequate area for parking for employees and visitors, and for loading and service areas. In addition, uses which include the sale of new or used vehicles shall include adequate areas for delivery and unloading of vehicles within the site. Vehicles shall not be parked in rows greater than two (2) cars wide and access aisles shall provide a minimum of twenty (20) feet between rows of vehicles for the purpose of fire and other emergency equipment access. Areas devoted to the display of vehicles for sale shall require a minimum of two hundred and fifty (250) square feet of space for each vehicle so displayed. Spaces for such display vehicles shall be clearly marked and individually numbered on the paving and on the Site Plan. the applicant shall clearly demonstrate that adequate spaces are provided for employee, visitor and customer parking pursuant to Table 9-1 minimum area equal to fifteen percent (15%) of the total area devoted to vehicles or display, including unloading areas and access aisles, shall be required for these purposes.

9.050 Membership clubs: These uses shall meet the basic requirements for the types of uses intended (i.e. place of public assembly, restaurant, etc.) and, in addition, the applicant shall clearly demonstrate to the satisfaction of the Special Permit Granting Authority that adequate entrances, egresses, parking, walkways and the like are provided on the site for all public and private functions. A membership club which is allowed or permitted in the Residence A District shall meet all of the parking and loading requirements which would be imposed in a Non-Residential District and, further, the applicant shall clearly demonstrate to the satisfaction of the Special Permit Granting Authority that the required buffer areas are sufficient to protect adjoining properties and that residential ways or streets will not be negatively impacted by traffic or parking uses. The applicant shall also clearly demonstrate that additional buffer requirements are not necessary in the residential area.

9.060 No more than five (5) parking spaces shall be located within the required front setback. It is the intent of this requirement that substantially all parking areas shall be located to the sides and rear of a building or buildings, and that the front yard shall be used primarily for walkways, landscaping driveways, and the required buffer. For sites upon which all parking areas are located to the sides and/or rear of buildings, the minimum front setback may be reduced to fifty (50) feet.

9.070 A pro-rata formula may be used for mixed uses except that incidental storage, warehousing, utility areas, etc. shall not be included in such formula to reduce parking requirements unless that use exceeds twenty- five percent (25%) of the principal use.

9.100 – DESIGN AND LOCATION OF OFF-STREET PARKING AND LOADING AREAS

9.110 All non-residential development shall meet the requirements specified below.

A. Location: All required parking shall be located either on the same lot as the activity it serves, or on a separate lot if said separate lot is located within three hundred (300) feet of the major entrance to the principal structure, provided that said lot is not separated from the principal lot by a state-numbered highway and provided that said lot lies in a zoning district which allows or permits the use being conducted on the principal lot.

B. Backing: All parking areas shall be designed and located so that their use does not involve vehicles backing onto a public way. This shall not apply to residential uses.

C. Except in the case of parking spaces provided for dwellings in the Residence A District, all off-street parking, loading and service areas and all proposed paving or other surfacing shall be shown on a Site Plan submitted to and approved by the Planning Board, acting as the Special Permit Granting Authority. Areas which are not located within the Water Resource Protection District shall utilize impermeable paving. Within the Water Resource Protection District, such areas shall be designed and constructed so as to provide protection of water resources to the satisfaction of the Planning Board.

D. For each required off-street parking space, there shall be a minimum of three hundred (300) square feet of net standing and maneuvering area per space exclusive of loading and service areas.

E. Each parking space shall be a minimum of ten (10) feet in width by twenty (20) feet in length except in that instance where parallel parking is utilized, in which case each parking space shall be a minimum of twenty-six (26) feet in length, unless it can be shown to the satisfaction of the Special Permit Granting Authority that lesser measurements are appropriate and adequate in specific cases. Any such lesser measurements shall not waive the requirement of satisfying the provisions of Section 9.110D., above.

F. All circulation drives and drive lanes within parking fields shall be a minimum of twenty-four (24) feet in width. No site access drive shall be located within sixty-five (65) feet of the intersection of the extended waylines of intersecting ways. All parking fields shall be designed such that the minimum spline to spline measurement shall not be less than sixty-four (64) feet in length.

G. All illumination of parking, loading and service areas shall be arranged so as not to create glare on abutting properties or on public ways.

H. Within the Water Resource Protection District, pre-cast concrete curbing shall be required around all parking fields and along both sides of all access and circulation drives.

9.200 – PARKING AREA PLANTINGS

9.210 Parking areas containing ten (10) or more parking spaces shall have a minimum of one (1) tree per eight (8) (or fractions of eight) parking spaces and such trees shall be located within the paved parking area. Such trees shall have a minimum three (3) inch caliper at diameter breast height (dbh) when planted and there shall be a minimum of sixty (60) square feet of seeded or landscaped permeable surface area per tree. When parking areas contain twenty-five (25) or more spaces, a minimum of five percent (5%) of the parking area shall be maintained with landscaping, including trees as above, in plots of a minimum of eight (8) feet in width. Trees and landscaped plots shall be designed and located so as to provide visual relief and screening from the sun and wind within the parking area, and to assure safe patterns of internal circulation. Any landscaped areas may be included within the calculations for required open space areas.

9.300 – REDUCTION IN PARKING REQUIREMENTS

9.310 Lesser parking requirements than those specified in this Section may be permitted by Special Permit at the discretion of the Planning Board, acting as the Special Permit Granting Authority, subject to the following criteria:

A. The number of required parking spaces may be reduced by up to one-half of the requirements specified in this Section. All required parking spaces, to include those for which a reduction is requested, shall be shown on the Site Plan required by Section 9.010, above.

B. The applicant shall demonstrate to the satisfaction of the Planning Board, acting as the Special Permit Granting Authority, that lower requirements are appropriate as demonstrated by data from the latest edition of the Institute for Traffic Engineers (ITE) Trip Manual or from actual traffic counts for similar uses.

C. To allow a reduction in parking requirements, the Planning Board shall make a written finding that the site has adequate capacity for vehicles at peak hour and that the reduction in parking spaces is not substantially more detrimental to public safety than adhering to the requirements of this Section. Under no circumstances shall a reduction be permitted that would so decrease capacity that vehicles would be required to park on another lot.

D. A reduction in parking spaces greater than twenty percent (20%) of the requirements specified in this Section shall require an increase in landscape plantings of ten percent (10%) above that which is required in Section 8 in all buffers and other planting categories.

Section 10 – Site Plan Approval

SECTIONS SUMMARY

10.000 Purpose and Applicability
10.100 Contents
10.200 Criteria
10.300 Procedure
10.400 Limited Site Plan Review

10.000 – PURPOSE AND APPLICABILITY

10.010 Site Plan Approval

For the purposes of assuring proper drainage, safe access, administering provisions of this Bylaw in regard to parking and loading areas, signs, buffers, screening and landscaping, and to assure adequate consideration for abutting land owners, and to further provide for the review of plans of certain structures or developments which by virtue of their design, type of construction, location, and/or potential use may have a significant impact on the environment, water table, traffic patterns or utilities of the town, a Site Plan shall be submitted:

A. To the Zoning Board of Appeals for all uses for which the approval of the Zoning Board of Appeals is required by the provisions of this Bylaw.

B. To the Planning Board for all other uses except for dwellings allowed in the Residence A District.

10.020 When Required

Site Plan Approval shall be required for all of the following:

A. An increase in the extent of the pre-existing non-conforming use of a structure or of land in accordance with Section 4.110A.2.

B. An expansion or a change of use of a pre-existing non-conforming structure in accordance with Section 4.220.

C. The expansion of a structure or of a use on a pre-existing non-conforming lot in accordance with Section 4.320.

D. Automotive uses in accordance with Section 6.230A.

E. Adult Entertainment uses in accordance with Section 6.230B.

F. All uses in the Water Resource Protection District in accordance with Section 6.820.

G. Religious and Educational uses in accordance with Section 5.810.

H. Municipal Water Supply uses in accordance with Section 5.820.

I. The use of land for Housing for the Elderly and for Handicapped Persons in accordance with Section 5.860.

J. The expansion or change of use or expansion of a structure for all existing uses in non-residential zoning districts and for all pre-existing, non-conforming uses, structures or other non-conformances in all zoning districts in accordance with Section 7.010B.

K. The placement of canopies or porticos within required setbacks in accordance with Section 7.640.

L. Additions to off-street parking and loading areas when necessitated by new construction or by expansions, additions or changes in existing uses in accordance with Section 9.010.

M. The establishment of a Planned Residential Development for Seniors in accordance with the provisions of Section 6.030 of this Zoning Bylaw.

10.030 Other Applications

In all non-residential districts, any new structure exceeding eight thousand (8,000) square feet of gross floor area or any expansion or alteration of an existing structure which exceeds five thousand (5,000) square feet of gross floor area, shall require Site Plan Approval in addition to a Special Permit. Any change of use or alteration that results in impacts exceeding those found in Section 11.120 shall require Site Plan Approval and a Special Permit. The Planning Board shall have the discretion to require Site Plan Approval for any project that it deems will generate significant impacts, including requiring the impact assessments described in Section 10.120. Some projects may qualify for Limited Site Plan Review pursuant to Section 10.400.

10.040 If a Special Permit or Site Plan Approval presently requires two (2) or more Boards to hold separate or concurrent hearings, then the Special Permit and/or Site Plan Approval shall require the approval of all of those Boards. If no specific Board is presently designated as the reviewing authority for a Special Permit or Site Plan Approval, the Zoning Board of Appeals, acting as the Permit Granting Authority, shall function as said reviewing authority.

10.050 All applications for Site Plan Approval shall conform to the provisions of current Stormwater Management Policy as promulgated by the Massachusetts Department of Environmental Protection and to the provisions of the Massachusetts Rivers Protection Act (Chapter 258 of the Acts of 1996) as such may be amended.

10.100 - CONTENTS

10.110 Site Plans shall be prepared by a registered professional engineer and shall include a landscape plan prepared by a registered landscape architect. Site Plans shall include all of the following:

A. Locus of the proposed development;

B. Location, boundaries, area and dimensions of each lot;

C. Property lines for each lot, showing directional bearings and distances, location with reference to identifiable street intersections, land uses, directional arrow, scale, assessors' plan number(s) and lot number(s), and zoning district in which the lot is located;

D. Use and ownership of all abutting property;

E. Location and use of all structures within two hundred (200) feet of the proposed developments;

F. Dimensions of property line setbacks to, and dimensions between, each building, structure, or use;

G. Location of all proposed and existing, as well as adjacent public and private ways;

H. Location of all easements on, over, and adjacent to the site, including the location of all existing and proposed utility lines and fire hydrants;

I. Existing and proposed topography at two (2) foot contours;

J. Location and description of all significant natural features including but not limited to wetlands resource areas and their one-hundred (100) foot buffer zones, rivers, streams, lakes, ponds, areas subject to flooding, existing vegetation and proposed removal of vegetation;

K. Delineation of the Water Resource Protection District, Well Protection Zone and Aquifer Protection Zone boundaries and the Flood Plain District;

L. Location and description of proposed open space and recreation areas;

M. Location and description of cultural features such as old trails, agricultural fields, and historic buildings and sites;

N. Location and description of all existing structures and buildings, including those to be demolished, and proposed new structures and buildings showing ground and final elevation(s);

O. Location and description of parking and loading areas, driveways, walkways, points of ingress and egress, traffic safety devices, and general circulation patterns;

P. Location and description of the proposed wastewater disposal systems, water supplies, stormwater drainage systems, temporary or permanent erosion control structures, utilities, and any solid and hazardous waste disposal systems;

Q. Proposed landscaping plans showing buffer areas, screening, fencing and plantings, and schedule for landscaping;

R. Provision for lighting and illumination of the site;

S. Location, dimensions, height and characteristics of proposed signs;

T. Relationship of the proposed development to flood plains, groundwater, aquifer recharge areas, water table and municipal water supply improvements, and to the ability of the municipal water supply system to fulfill the additional demand generated by said development;

U. Existing traffic volumes, composition, peak hour levels and capacity of the abutting ways as well as an estimate of the traffic volumes, composition, peak hour levels and directional flows of traffic generated by the proposed development.

10.120 In addition, for projects that exceed the thresholds established in Section 10.030, the applicant shall submit a Development Impact Statement to the appropriate Site Plan Reviewing Board. The Development Impact Statement shall describe potential impacts of the proposed development, identify all significant positive or adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts. The Development Impact Statement shall consist of the following four (4) elements:

A. Traffic Impact Assessment: The purpose of the Traffic Impact Assessment is to document existing traffic conditions in the vicinity of the proposed project, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures proposed to mitigate any adverse impacts on traffic in accordance with the following:

1. Existing traffic conditions: Average daily and peak hour volumes, average and peak speeds, sight distances, accident data, and levels of service (LOS) of intersections and streets and ways likely to be affected by the proposed development. Such data shall be presented for all streets and ways and intersections adjacent to or within one thousand (1,000) feet of the project boundaries and shall be no more than twelve (12) months old at the date of application, unless other data are specifically approved by the Planning Board.

2. Projected traffic conditions for design year of occupancy: Statement of design year of occupancy, background traffic growth on an annual average basis, impacts of proposed developments which have already been approved in part or in whole by the Town.

3. Projected impact of proposed development: Projected peak hour and daily traffic generated by the development on streets and ways in the vicinity of the development; sight lines at the intersections of the proposed driveways with streets and ways; existing and proposed traffic control devices in the vicinity of the proposed development; and projected post-development traffic volumes and levels of service of intersections and streets and ways likely to be affected by the proposed development.

4. Proposed mitigation measures: Description of measures for mitigation of any potential adverse impacts identified above.

B. Environmental Impact Assessment: The purpose of the Environmental Impact Assessment is to describe the impacts of the proposed development with respect to both on-site and off-site environmental quality in accordance with the following:

1. Identification of potential impacts: Description and evaluation of potential impacts on the quality of air, surface water, and ground water adjacent to or directly affected by the proposed development; on-site or off-site flooding, erosion, and/or sedimentation resulting from alterations to the project site, including grading changes and increases in impervious area; on-site or off-site hazards from radiological emissions or other hazardous materials; adverse impacts on temperature and wind conditions on the site and on adjacent properties; impacts on solar access of adjacent properties; and off-site noise or light pollution impacts.

2. Systems capacity: Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.

3. Proposed mitigation measures: Description of proposed measures for mitigation of any potential adverse impacts identified above.

C. Fiscal Impact Assessment: The purpose of the Fiscal Impact Assessment is to evaluate the fiscal and economic impacts of the proposed development on the Town in accordance with the following:

1. Projections of costs arising from increased demand for public services and upon the infrastructure of the Town:

2. Projections of benefits from increased tax revenues, employment (construction and permanent), and value of public infrastructure to be provided.

3. Projections of the impacts of the proposed development on the values of abutting properties.

4. Five-year projection of increased Town revenues versus costs resulting from the proposed development.

5. Proposed mitigation measures: Description of proposed measures for mitigation of any potential adverse impacts identified above.

D. Community Impact Assessment: The purpose of the Community Impact Assessment is to evaluate the proposed development with respect to the Town's visual and historic character and development goals in accordance with the following:

1. Site design and neighborhood impact: Evaluation of the relationship of proposed new structures or alterations to surrounding pre-existing structures in terms of character and intensity of use (e.g., scale, materials, color, door and window size and location, setbacks, roof and cornice lines, and other major design elements) and the location and configuration of proposed structures, parking areas, and open space with respect to neighboring properties.

2. Historic impact: Identification of impacts on significant historic properties, historic districts or areas, or archaeological resources in the vicinity of the proposed development.

3. Development goals: Evaluation of the proposed project's consistency or compatibility with existing local and regional master plans or comprehensive plans.

10.130 The appropriate Site Plan Reviewing Board, at its discretion and based upon a preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements of the Development Impact Report described in Section 10.120, above. Such waiver shall be issued in writing and shall be accompanied by supporting reasons.

10.140 Required Digital Plan Submission: The following requirement shall be in addition to any other submission requirements by the Planning Board of the Town of Hanover:

Site Plans submitted to the Planning Board under this Section or any other Section of the Hanover Zoning Bylaw shall be submitted in digital format at:

1) the time of initial submission to the Planning Board; and
2) upon approval by the Planning Board and prior to the commencement of any construction related to the approved project. (Such plans shall incorporate all changes to the relevant plans as of the date of submission).

The minimum requirements for digital plan submissions shall be as follows:

1) All plans shall be prepared in the Massachusetts Mainland State Plane Coordinate System and the 1983 North American Datum (NAD83). Plans shall include meets and bounds of all perimeter information in feet, with Massachusetts Mainland State Plane Coordinate System coordinates indicated at a minimum of four (4) points distributed on the perimeter, and the proposed layout and boundaries of all lots or parts into which a parcel and/or parcels is to be subdivided.

2) All lot lines, easements, streets and utility information associated with the proposed plan shall be submitted in a digital format on standard removable media (e.g. Compact Disk) or via email to the Town Planner in either AutoCAD DWG format (compatible and viewable with Autodesk AuoCAD LT 2006) or ESRI Shapefile format (compatible and viewable with ESRI ArcGIS/ArcMap 9.1).

3) All digital submissions shall comply with the most recent "MassGIS Standard for Digital Parcel File Submissions" Level III Standard and the above items (1) and (2) unless an alternate standard is expressly authorized in writing by the Town Planner.

4) No digital submission shall be considered submitted, received, or in compliance with the above provisions, unless the Town Planner provides written confirmation of receipt of such submission, receipt and compliance on behalf of the Planning Board.

10.150 Architectural Design Review

A. Authority and Purpose

1. This article is adopted under authority of Massachusetts General Laws (M.G.L.) Chapter 40, Section 21 (Town Bylaws) and Article LXXXIX, Article II, Section 6 of Articles of Amendment of the Constitution of the Commonwealth of Massachusetts.
2. The purpose of this article is to conserve the value of land and buildings; to prevent blight; to encourage the most appropriate use of land throughout the Town, including consideration of the recommendations of the Master Plan adopted by the Planning Board; to preserve and increase amenities; to enhance the visual environment of the Town; to preserve and promote the use of New England Vernacular Architecture within the Town; and to protect and promote the character, natural, scenic and aesthetic qualities of the Town of Hanover (a New England Village) by the promulgation of regulations to fulfill said objectives in accordance with the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts.

B. Applicability

1. Construction of new buildings, or alteration of building facades within any non-residential district or for any non-residential construction within a Residential District, and any development or project which is required by this Zoning Bylaw to follow the procedures or standards of Section 10.000 (Site Plan Review) or that requires a Site Plan and/or Special Permit approval by the Planning Board shall be subject to Architectural Design Review by the Planning Board for any applicable structures prior to the grant of Building Permits and/or Occupancy Permits by the Building Inspector, as they are applicable.
2. Single Family Houses and Municipal Buildings shall be exempt from this section.

3. Nothing in this section shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature which does not involve a change in design, material, color or the outward appearance of a building, or to prevent meeting requirements by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the adoption of this Section.
4. The Planning Board may waive the requirements for Architectural Design Review for any application which does not propose or require the construction of new buildings nor the expansion or alternation of any facades on existing buildings.
5. The Planning Board may waive Architectural Design Review or reduce the requirements of this Section where, in their opinion, it is not needed because projects are minor, or for other good cause.

C. Criteria for Design Review

The Planning Board shall utilize the following guidelines and considerations when reviewing any plans submitted under this Section:

1. Buildings and structures should be designed in an architectural style compatible with that of traditional New England Vernacular Architecture. Exterior walls should be clad in wood, brick, stone or other building materials traditionally used in New England. Roofs should have a minimum pitch of 8:12 and flat roofs should be permitted only when hidden by a raised parapet and when necessary due to size or nature of the proposed uses within the building. Roofs should be pitched to a center ridge.

2. Except on the ground floor of structures devoted to non-residential use, vertical dimensions of all windows should be greater than their horizontal dimensions. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements should define the front entrance to all structures.

3. All façade elevations should be provided with embellishments and articulation so as to prevent long expanses of blank walls and windowless elevations. Use of building elements such as structural bays, trellis structures, chimney stacks, projections, and recesses should be used to section the apparent building mass and partition long expanses of blank wall.

4. Buildings should utilize semi-private transitional space along facades such as covered porches, recessed entries, and raised stoops.

5. Facades should provide definition of individual units with subtle façade articulations.

6. Side building elevations facing a public way or publicly accessible area should have the same articulation elements and treatment as the front façade.

7. Façade treatments should avoid long unbroken walls and box-like forms.

8. Façade treatments should avoid the extremes of monotonous repetition and excessive variety in forms, patterns, and colors.

9. Equipment mounted on the roof of any building should be avoided if possible. Any necessary vertical projections through the roof, such as towers, vents, and stacks should be

grouped or housed within a penthouse. All roof structures such as mechanical equipment, skylights, penthouses, and similar elements should be organized and screened in a manner that is integral to the architectural form of the building and should address visibility and adequate screening from adjacent buildings, roadways, and other public or semi-public spaces.

10. A minimum of fifty (50) percent of ground floor building facades and thirty (30) percent of second floor building facades facing a public way or semi-public space should be glazed.

11. Building facades should extend no longer than twenty (20) feet without articulation.

D. Illustrated Guidelines

1. The Planning Board may develop illustrative Design Review Guidelines not inconsistent with this Section which illustrate in greater detail the guidelines described in Section 10.150.C. for reference and practical application of said guidelines so as to assist applicants and the general public.
2. Said Guidelines shall be approved by the Planning Board, filed with the Town Clerk, and made available to all applicants and the general public as a guidance document only.

E. Review & Approval Process

1. Plans submitted for review and approval under this Section shall be forwarded to the Hanover Design Review Board for review and comment, however opinions of the Design Review Board shall be advisory only.
2. Plans submitted for review and approval under this Section may be approved or disapproved based on the criteria established in Section 10.150.C above.
3. Failure of the applicant to address concerns raised by the Board relative to the proposed plans shall be reasonable grounds for the Planning Board to approve or disapprove the submission or to continue any applicable hearing or administrative review to allow sufficient time for the applicant to make design changes and address comments accordingly.
4. The Planning Board may, at its own discretion, waive some of the requirements of this Section, including the guidelines described in Section 10.150.C. if it determines that the proposed project will have minimal impact on the surrounding area and that it will have no impact on residential areas.

F. Plan Submission Requirements

1. A Site Plan prepared in accordance with Section 10.100 or a plot plan if a Site Plan is not otherwise required.
2. Façade elevations for each side of the applicable buildings and/or structures. Architectural Plans showing elevations of all buildings and structures should be prepared by a Registered Professional Architect unless this requirement is waived by the Planning Board due to size or limited nature of the proposed work.
3. Details and Catalog Cuts of exterior elements and materials not clearly illustrated by the Building Elevations, including any lighting fixtures.

G. Plan Submission Requirements

1. As a condition of plan approval, the Planning Board may require that before Site Plan Signoffs and/or Occupancy Permits are issued for any building permitted under this Section, the required façade design and treatments for the applicable structures shall be substantially completed in accordance with the above referenced and approved plans.
2. In order to ensure compliance with the approved architectural plans (with respect to façade design and treatments), applications for any Building Permits shall require signoff (approval) from the Town Planner to indicate compliance with any plans approved by the Planning Board. Said signoff (approval) shall not be withheld unless the architectural and building plans submitted to the Building Inspector do not comply or substantially deviate from the approved façade design and treatments. In the event that signoff (approval) is withheld, the Town Planner shall indicate in writing the reason(s) for such denial to the applicant and the Building Inspector.

H. Severability

1. In case any section, paragraph or part of this Article is for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

10.200 - CRITERIA

10.210 In reviewing Site Plans, the appropriate Site Plan Reviewing Board shall consider all of the following:

A. Protection of abutting property and the adjoining neighborhood from any detrimental impact resulting from the use of the subject property, including, but not limited to, protection from the creation of a nuisance by virtue of noise, odor, unsightliness, or vibration.

B. Traffic flow and convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and ways, properties, or improvements.

C. Adequacy of water supply and of the methods of disposal of sewage, refuse and other wastes; stormwater runoff and surface water drainage; and protection of wetlands resource areas, watersheds, aquifers and well areas and the potential impact to such resources from the use, storage or disposal of any substances which could enter the water supply or wetlands resource areas.

D. Provision for off-street parking and loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the subject property.

E. Scale of all proposed structures and integration of development into the existing terrain and surrounding landscape.

F. Public safety and fire protection needs.

G. Compliance with the provisions of this Bylaw.

10.300 - PROCEDURE

10.310 Twelve (12) copies of Site Plans subject to this Section shall be submitted to the appropriate Reviewing Board as specified in Section 10.010, and one (1) additional copy shall be filed with the Town Clerk. In addition, the applicant shall submit five (5) copies of Site Plans produced on one-half (1/2) size sheets, i.e., twelve (12) inches by (18) inches. At the same time as application is made to the Planning Board, application shall be made to the Design Review Board and two (2) copies of the Site Plan shall be submitted to said Board for review and

recommendations to the Planning Board. In the case of plans submitted to the Planning Board, the applicant shall also, within forty eight (48) hours, forward a copy of said plans to the Planning Board's Consultant Review Engineers. The Reviewing Board shall transmit copies of the plan to the Board of Health, the Conservation Commission, the Department of Public Works, the Fire Department, and Building Inspector and, in the case of plans submitted to the Zoning Board of Appeals, to the Planning Board, each of which shall within thirty-five (35) days of such transmittal, report to the Reviewing Board to which the plan was originally submitted for approval. No decision shall be made by said Reviewing Board in connection with any application for approval of a Site Plan until reports have been received from the Board of Health, the Conservation Commission and, if appropriate, the Planning Board, or thirty-five (35) days shall have elapsed following such transmittal without receipt of such reports.

10.320 The Site Plan Reviewing Board may adopt procedural regulations governing submittal requirements for Site Plan applications from time to time at posted public hearings in conformance with Section 9 of Chapter 40A of the Massachusetts General Laws.

10.330 A public hearing shall be held in accordance with the provisions of Sections 9 & 11 of Chapter 40A of the Massachusetts General Laws within sixty-five (65) days of the filing of the application for approval under this Section.

10.340 The Reviewing Board shall not approve a Site Plan unless it determines that said plan meets the criteria established in Section 10.200, above. If, in the opinion of the Reviewing Board, the plan fails to meet the above criteria, it can be disapproved or approved with conditions in a manner which will bring about compliance with the provisions of this Bylaw and the criteria of Section 10.200.

10.350 The Reviewing Board shall act within ninety (90) days of the close of the public hearing held under this Section or the application shall be deemed to be constructively approved.

10.360 No building permit shall be issued for any building or structure for which Site Plan Approval is required unless approval thereof shall have been obtained in compliance with this Section.

10.370 Substantial use or construction under a Site Plan Approval shall commence within one (1) year of the filing of said Site Plan Approval with the Town Clerk, or said Site Plan Approval shall become null and void. Substantial use or construction shall be defined as completion of the foundation. In the case of a Site Plan Approval where site work such as paving and detention basin construction is proposed without building construction, substantial use or construction shall be defined as clearing of that portion of the site subject of the Site Plan Approval.

10.380 Applicants shall notify the Site Plan Reviewing Board by certified mail at least four (4) weeks prior to beginning any site work. At least one (1) week prior to beginning any site work, an on-site construction meeting shall be held with the applicant's engineer and on-site construction supervisor along with representatives of the Planning Board, Conservation Commission, Building Inspector, Board of Health, Department of Public Works and Fire Department.

10.390 Site Plan Approvals shall state a period of time, not to exceed two (2) years, within which the project shall be completed. Failure to complete the project within the stated time shall cause the Site Plan Approval to lapse. Said two (2) year time period shall begin at the date of the on-site pre-construction meeting. Exceptions to this criteria are as follows:

A. Applicants may request an extension of the one (1) year commencement period as well as an extension of the two (2) year completion period. Such extension(s) may be granted for good cause and the reasons for such grant shall be committed in writing by the Site Plan Reviewing Board.

B. The stated time period shall be extended by any such time as may be required to pursue or await the determination of any appeal of the Reviewing Board's approval.

10.400 – LIMITED SITE PLAN REVIEW

10.410 It is the intent of this Section to simplify and expedite the preparation of Site Plans for smaller projects in instances where development can occur without any negative impact.

10.420 The Site Plan Reviewing Board may, at its own discretion, waive some of the requirements of Section 10 if it determines that the proposed project will have minimal impact on the surrounding area and that it will have no impact on residential areas.

10.430 To qualify, new construction or expansion shall not exceed two thousand (2,000) square feet of floor area nor four thousand (4,000) square feet of paved areas.

10.440 If a project qualifies, the Reviewing Board may waive the requirement for a Public Hearing and may waive some or all of the requirements for Site Plan contents, as delineated in Section 10.100.

10.450 When a Site Plan believed to qualify under this Section is submitted, the Reviewing Board shall make a written determination within twenty-one (21) days of submission as to whether or not a Public Hearing will be required. Any project requiring a Special Permit shall be subject to the requirements of a Public Hearing but may be eligible for waivers of the requirements of Section 10.100. In such instances, the Reviewing Board shall communicate with and secure agreement from the Department of Public Works and the Conservation Commission (if either or both are involved with any aspect of the proposal) that such waivers are appropriate.

10.460 The contents of the Site Plan shall be prepared by a registered professional engineer. Certain requirements under Section 10.100 may be waived if, in the opinion of the Reviewing Board, such requirements are not essential for approval or if such requirements have been met by any previously approved Site Plan.

Section11 – Mitigation of Development Impacts for Site Plans and Special Permits

SECTIONS SUMMARY

11.000 Purpose
11.100 Applicability
11.200 Mitigation Procedure and Value
11.300 Mitigation Funds

11.000 - PURPOSE

Mitigation shall be required for the purpose of assuring equity, proper allocation of impacts, and the completion of public improvements necessary to support new development projects.

11.100 - APPLICABILITY

Mitigation shall be required for projects which exceed the threshold criteria of Section 10.030 of this Bylaw and for projects which have an impact upon the infrastructure of the Town in accordance with the following:

11.110 Special Permits for Size: Special Permit applications for size require Site Plan Approval pursuant to this Section and shall be required to mitigate the impacts of the proposed project. Said application shall be accompanied by a Development Impact Statement as required in Section 10.120. Said statement shall contain a proposal for assisting the Town in meeting its infrastructure and planning requirements as determined by the project's impacts including, but not limited to, the impact on the capacity and safety of streets and ways, intersections, pedestrian ways, water, sewer, drainage, solid waste and other public facilities and concerns. A project's impact on Town infrastructure shall be evaluated based upon the Development Impact Statement and the Environmental Impact Statement submitted in compliance with Special Permit and Site Plan Review criteria.

A. The value of mitigation shall be a minimum of three (3) dollars per square foot of gross floor area, except that in the Industrial District and the Fireworks District, the value shall be a minimum of one (1) dollar per square foot of gross floor area. The exact value of mitigation per square foot of gross floor area shall be based on the level of impact of the project.

B. Said mitigation shall include off-site improvements as required by the Planning Board to improve the capacity and safety of streets and ways, intersections, pedestrian ways, water, sewer, drainage, solid waste and other public facilities in conformance with the Special Permit criteria.

C. If the value of off-site improvements does not exceed the total value of mitigation set by the Planning Board, the remaining mitigation shall also include contributions to Town funds such as the Rt. 53 Design Fund, the Street Safety Fund, the Planning Board Oversight Fund and other capital and capital planning funds designated by the Planning Board. Other funds may include, but not be limited to, capital funds benefiting the Department of Public Works, Fire Department, and Police Department as referenced in a report entitled "Impact Fees in Hanover, Report to the Planning Board", prepared by SEA Consultants, as updated.

D. The total cash value of off-site improvements and contributions to town funds shall not exceed the total value of mitigation set by the Planning Board, unless agreed to in writing by the project proponent. The purpose of said funds must bear a relationship to the project's impact on public facilities and/or public needs.

11.120 Site Plans and Special Permit applications that are for a use that does not require a Special Permit for size: If an application for a Site Plan Approval or Special Permit other than for size has an impact on Town infrastructure, the applicant shall be required to mitigate that impact. The impact shall be discussed in the Development Impact Statement and the Environmental Impact Statement submitted in compliance with Special Permit and Site Plan Review criteria. A project shall be automatically considered as having an impact if it will generate any of the following:

A. Thirty (30) or more vehicle trips at peak hour according to the Institute of Traffic Engineers Trip Generation Manual, latest edition. For the purpose of this Section, one (1) vehicle in and out of a site constitutes one (1) trip.

B. If located in the Aquifer Protection Zone and the project generates more than one hundred (100) gallons per day of normal office/dry goods, retail/restaurant or other wastewater free of toxic chemicals, other than what is found in normal residential wastewater. (Both in type and quantity).

C. If located in the Aquifer Protection Zone, and the project uses chemicals deemed to be hazardous by the Board of Public Works (as listed in Section 6.840) regardless of the volume of sewage generated.

D. Notwithstanding the provisions of paragraphs B. and C., above, impact on the Aquifer Protection Zone shall be deemed fully mitigated by tertiary treatment of wastewater as approved by the Board of Public Works, the Board of Health and the Massachusetts Department of Environmental Protection.

11.200 – MITIGATION PROCEDURE AND VALUE

The applicant may mitigate traffic impact through off-site improvements as specified in Section 11.110 above. If an applicant cannot completely mitigate project impacts with off-site improvements or tertiary treatment of wastewater as outlined in Section 11.120, the applicant shall make contribution to funds as specified below. The total value of off-site and cash contributions shall be as follows:

11.210 For traffic, mitigation shall be a minimum of twenty dollars ($20.00) per vehicle at peak hour traffic.

11.220 For office, dry goods, retail or other non-toxic wastewater generation, mitigation shall be a minimum of ten dollars ($10.00) per gallon for daily gallonage of wastewater generated for the project pursuant to Title V (310 CMR 15.000 et. seq.) calculations according to the Board of Health or its agent.

11.230 For restaurant wastewater, mitigation shall be one dollar ($1.00) per gallon for the gallonage of daily wastewater generated as determined by the Board of Health in compliance with Title V (310 CMR 15.000 et.seq.), up to a maximum of three thousand dollars ($3,000).

11.240 For a use deemed hazardous, as listed in Section 6.840, a minimum of one thousand dollars ($1,000) and a maximum of five thousand dollars ($5,000) shall be assessed.

11.300 – MITIGATION FUNDS

Cash contributions for mitigation shall be made as follows:

11.310 Mitigation funds for traffic shall be paid as specified in Section 11.110.

11.320 Mitigation for wastewater in the Aquifer Protection Zone shall be deposited into a fund that will pay for the study and protection of the Town's water supply.

Section 12 - Administration

SECTIONS SUMMARY

12.000 Building Permits
12.100 Occupancy Permits
12.200 Basis for Appeals
12.300 Request for Zoning Enforcement
12.400 Reinspection Permits
12.500 Enforcement of the Zoning Bylaw

The provisions of this Bylaw and any amendments thereto shall be administered and enforced, in accordance with the following provisions, either by the Selectmen acting as Building Inspector or by the Building Inspector appointed by the Selectmen.

12.000 – BUILDING PERMITS

Building permits shall be administered as follows:

12.010 No construction for a building or structure shall be started, and no building or structure shall be erected, moved, altered or changed until a Building Permit for the proposed work or change as provided for in the Massachusetts State Building Code, 780 CMR shall be applied for and granted.

12.020 No permit shall be granted for construction, alteration, relocation or use of any building, structure or premises in violation of any provision of this Bylaw. Whenever any permit or license is denied pursuant to this Bylaw, the reason therefore shall be clearly stated in writing.

12.030 An application for a Building Permit for a new or altered use of land or of a structure, or for construction, expansion, alteration, reconstruction or relocation of a building or structure, shall be made by the owner or his/her agent, in writing, on the forms and in the manner required by in the Hanover Building Department. Said application shall be accompanied by two (2) copies of a plot plan showing the site, size and shape of the lot, the names of the owners of record, the exact location of existing streets and ways, buildings, structures, proposed parking areas, and any additions thereto. The Building Inspector shall send one (1) copy of the plot plan to the Planning Board.

12.040 A record of applications herein referred to, and the action taken thereon, shall be kept on file in the Building Department.

12.050 The Building Inspector may issue a Building Permit only after he/she has viewed the premises and determined that the contemplated use, change, construction or alteration shall not be in violation of the Town of Hanover Bylaws and that water service and fire hydrants are in place and activated prior to the issuance of said Building Permit. After issuance of the Building Permit, the Building Inspector shall make a minimum of one (1) inspection while the work or construction is in progress to ascertain that there is no violation of said Bylaws as a result of any changes or deviation made during the period of construction or alteration. Upon completion of the permitted work, and prior to occupancy by the owner, his/her agents, servants, tenants, lessees or assigns, the Building Inspector shall make a final inspection to determine that the completed work conforms to the permit and is not in violation of any Town of Hanover Bylaws.

12.100 – OCCUPANCY PERMITS

No building or structure shall hereafter be erected, altered, relocated or otherwise used, and no change shall be made in the use of any building or structure or of any parcel of land, unless an Occupancy Permit signed by the Building Inspector has been granted to the owner or occupant of such land, building or structure. Such permit shall not be granted unless the proposed use of the land, building or structure and all accessory uses comply in all respects with the provisions of this Bylaw, and no use shall be made of such land, building or structure except the use or uses authorized by such Occupancy Permit.

12.200 – BASIS FOR APPEALS

Any person aggrieved by reason of an inability to obtain a permit or enforcement action from the Building Inspector or other administrative officer under the provisions of this Bylaw, the regional planning agency in which the Town is situated, or any person, including an officer or Board of the Town or of an abutting Town, aggrieved by an order or decision of the Building Inspector or other administrative officer, in violation of the provisions of Chapter 40A of the Massachusetts General Laws or any provision of this Bylaw, may file an appeal in accordance with the provisions of Section 15 of Chapter 40A of the Massachusetts General Laws.

12.300 – REQUEST FOR ZONING ENFORCEMENT

If the Building Inspector is requested in writing to enforce the provisions of this Bylaw against any person allegedly in violation of this Bylaw and the Building Inspector declines to act, he/she shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request.

12.400 – REINSPECTION PERMITS

Any change in use or occupancy of non-residential buildings or structures, and non-residentially used or zoned land shall not take place until a reinspection permit has been filed with and approved by the Building Inspector. The reinspection shall cover adherence to the Massachusetts State Building Code, Massachusetts Wiring Code, Massachusetts Plumbing Code and Massachusetts Gas Code and to this Bylaw as it pertains to allowed and permitted uses for the zoning district in which the site is located.

12.500 – ENFORCEMENT OF THE ZONING BYLAW

This Zoning Bylaw shall be enforced in accordance with the following provisions:

12.510 Violations of this Bylaw shall be determined by the Building Inspector upon investigation of the facts and inspection of the premises, after which he/she shall give notice thereof in writing to the owner or to his/her duly authorized agent and to the occupant of the premises, and shall order that any use of any premises contrary to the provisions of this Bylaw shall immediately cease.

12.520 Any person violating any provisions of this Bylaw, any of the conditions under which a permit is issued, or any decision rendered by the Zoning Board of Appeals, the Permit Granting Authority, or the Special Permit Granting Authority, may be fined not more than three hundred dollars ($300.00) for each offense. Each day that such violation continues shall constitute a separate offense.

12.530 In addition to the penalty provided in Section 12.520, above, the Building Inspector may institute appropriate legal proceedings to enforce the provisions of this Bylaw or to restrain by injunction any violation thereof, or both.

Section 13 – Zoning Board of Appeals

SECTIONS SUMMARY

13.000 Powers of the Zoning Board of Appeals
13.100 Procedure Governing the Zoning Board of Appeals
13.200 Time Limitations on Variance or Special Permit Grants

The Zoning Board of Appeals as constituted under Article 37 of the Warrant for the Annual Town Meeting adopted March 1, 1954, shall be the Zoning Board of Appeals under this Bylaw. Said Zoning Board of Appeals shall be appointed and shall operate in accordance with Section 12 of Chapter 40A of the Massachusetts General Laws.

13.000 – POWERS OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall have the following powers:

13.010 To hear and decide appeals in accordance with Section 8 of Chapter 40A of the Massachusetts General Laws.

13.020 To hear and decide petitions for variances other than use variances in accordance with Section 10 of Chapter 40A of the Massachusetts General Laws.

13.030 To act as the Permit Granting Authority and to hear and decide applications for Special Permits for which approval of the Zoning Board of Appeals is required in accordance with the provisions of this Bylaw.

13.040 To hear and decide applications for expansion of non-conforming uses in accordance with the provisions of Section 4 of this Bylaw.

13.100 – PROCEDURE GOVERNING THE ZONING BOARD OF APPEALS

In exercising the powers granted by Section 13.000, the Zoning Board of Appeals shall act in accordance with the provisions of Chapter 40A of the Massachusetts General Laws.

13.200 – TIME LIMITATIONS ON VARIANCE OR SPECIAL PERMIT GRANTS

Any variance or Special Permit granted by the Zoning Board of Appeals or the Planning Board shall lapse one (1) year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause as determined by the applicable Board.

Section14 - Amendment

14.000 - AMENDMENT

This Zoning Bylaw may from time to time be changed by amendment, addition or repeal in the manner provided in Section 5 of Chapter 40A of the Massachusetts General Laws.

Section 15 - Validity

15.000 - VALIDITY

15.010 Where this Bylaw imposes a greater restriction upon the use, height and the area of structures or the use of premises than that which is imposed by other Bylaws, the provisions of this Bylaw shall control. The invalidity of any Section or provision of this Bylaw shall not invalidate any other Section or provisions thereof.

15.020 This copy of the Zoning Bylaw for the Town of Hanover, Massachusetts originally adopted June 6, 1955, and approved by the Attorney General on June 28, 1955, has been corrected to include changes and amendments adopted through the Annual Town Meeting of May of 2005.