

TOWN OF HANOVER  
2022 OCT 20 PM 1:58  
TOWN CLERK



**PLANNING BOARD  
TOWN OF HANOVER, MASSACHUSETTS**

**MAJOR MODIFICATION OF SPECIAL PERMIT/SITE PLAN REVIEW**

**LOCUS:** 1070 Washington Street shown as Assessors Map 30, Plot 94

**ZONING:** Business District Water Resource Protection Overlay District.

**PROPERTY OWNER(S):** 1070 Washington Street LLC  
C/o Stephen Callahan  
80 First Street  
Bridgewater, MA 02334

**APPLICANT(S):** Same as Property Owner

**ENGINEER & SURVEYOR** Not Applicable

**DRAWINGS & REPORTS:** *(ALL INCORPORATED HEREIN BY REFERENCE)* - Not Applicable  
See prior Decision PB File #16-19 – Recorded at Plymouth County Registry of Deeds  
Book 57307 and Page 152 (10/7/22)

**On October 17, 2022: VOTE ON MAJOR MODIFICATION SPECIAL PERMIT/SITE PLAN REVIEW:**  
Giuseppe Fornaro **MOTION** to vote approval pursuant to condition #1 of the original 2017 Special Permit/Site Plan Review (PB File #16-19) to allow a one year extension until **October 17, 2023** for the existing structure to remain standing conditional to an interim report before the Planning Board within 6 months on the progress of marketing efforts for the existing structure, seconded Bernie Campbell

**VOTE:** (Y) MaryAnn Brugnoli (A) Kenneth Blanchard (Y) Meaghan Neville-Dunne  
(Y) Giuseppe Fornaro (Y) Bernie Campbell (A) Anthony Cavallaro (Y) David Traggorth

*(A) = Absent or not present during the entire hearing process and therefore not eligible to vote.*

## MAJOR MODIFICATION SPECIAL PERMIT AND SITE PLAN APPROVAL APPLICATION

Notice is hereby given in accordance with Massachusetts General Laws (MGL), Chapter 40A Section 9 and 11 (the Zoning Act) and the Hanover Zoning Bylaws Sections 6, 8, 9, 10 and 11 in their entirety; that the Town of Hanover Planning Board will hold a public hearing on Monday, September 26, 2022 at 7:00 p.m. at Hanover Town Hall and also via Zoom video call for the purpose of hearing the application of 1070 Washington Street, LLC, 80 First Street, Bridgewater, MA 02324. The applicant is requesting a major modification of an approved 2017 Special Permit and Site Plan Review (PB File #16-19) to modify condition #1 for existing structure on the property to remain and not be razed as required and be allowed two (2) additional years for marketing to convert to the residential structure to a conforming use in a Business zone.

The site is located at: 1070 Washington Street, Hanover and is further identified as Map 30 Lot 94 consisting of 1.43 acres of Lot area located in the Business District and Water Resource Protection Overlay District.

The Public Hearing notice was advertised in the Hanover Mariner on September 7 & September 14, 2022 with notice mailed to abutters as well. The initial public hearing on September 26, 2022 was continued, at the request of the applicant, until October 17, 2022 when the Planning Board voted.

## FINDINGS

After thorough analysis and deliberation, the Planning Board acting as the Special Permit Granting Authority (SPGA), under the applicable ZBL Sections and the original 2017 Special Permit/Site Plan Decision (PB# 16-19) found the applicant's request to be a major modification. The original decision (PB#16) under condition #1 required the existing dwelling to be razed within two (2) years of the approval. Under the Major Modification application submitted 8/29/2, the applicants were requesting that the structure be allowed to remain standing for an additional two (2) years and continue to be occupied with three residential units for this period of time while the property owner actively marketed the property for a business use.

The Planning Board took under consideration, the amount of time passed since 2017 to 2022, along with the delays COVID had made relative to business properties, and that the applicants had not recorded the original decision (PB#16-19) at the Plymouth County Registry of Deeds until October 7, 2022 and no As-Built Approval had ever been requested, into their deliberations. Taking all of these factors into consideration The SPGA found a one (1) year extension until **October 17, 2023** should be sufficient to find a business tenant with active marketing. In addition, if a tenant is found the Hanover Zoning Bylaws permits only one residential structure above a business and that would be by Special Permit which the applicant would also need to seek that approval to move forward with any proposal to save the existing

structure from being demolished. The SPGA also requested the applicant to return within six (6) months to the SPGA with a status report as to the active marketing in April of 2023.

### DECISION

Now, therefore, by unanimous vote, the Planning Board hereby approves the subject application for a Major Modification of the Special Permit/Site Plan Review Decision (PB# 16-19) in accordance with the provisions of the Hanover Zoning By-law with authorization for the subject use in accordance with the above referenced and approved plans, subject to the below listed General and Special Conditions.

### GENERAL CONDITIONS FOR SPECIAL PERMIT AND/OR SITE PLAN REVIEW

1. **ENDORSEMENT OF DECISION AND SITE PLAN:** Within thirty (30) days of the expiration of the twenty (20) day appeal period, and after having obtained the signature of the Town Clerk indicating that there has been no notice of appeal, the Planning Department shall present an original of this decision and Site Plan to the Planning Board for endorsement by the Chairperson of the Board.
2. **REQUIRED CERTIFICATION:** Prior to, or at the time of, submittal of the decision for endorsement, the applicant shall submit to the Planning Board a certification indicating, in effect, the following:

"I, Stephen R. Colburn as representatives of/for 1070 Washington Street LLC on this date, 10/21/22 do hereby certify that I (We) have completely read and do fully understand all General AND Special Conditions of Planning Board Decision, File #22-13, dated October 17, 2022, relative to the Major Modification Request at 1070 Washington Street. In particular, I (We) have completely read and do fully understand the Procedure for Final Special Permit/Site Plan Completion, Town Planner/ Planning Board Sign-Off, and Issuance of Occupancy Permit as described on the final pages of the Decision. Furthermore, it is my (our) intention to comply fully, with the best of my (our) ability, with all aspects of the approved Special Permit/Site Plan and with all Special and General Conditions of the Decision.

  
Signature(s)

3. **RECORDING AT REGISTRY OF DEEDS:** Within sixty (60) days of the expiration of the twenty (20) day appeal period, the applicant shall record the endorsed Decision at the Registry of Deeds. Evidence of such recording shall be submitted to the Planning Board and to the Building Commissioner prior to the initiation of any construction activities.
4. **NO DEVIATION FROM APPROVED PLAN:** there shall be no deviation from the approved Special Permit/Site Plan and Conditions of this Decision without prior written approval of the Planning Board. In the event that the applicant anticipates that some deviation is either necessary or desirable, he (she) shall notify the Planning Board in writing requesting modification of the Plan or the Conditions. If the Planning Board determines that the requested modification is minor in nature, the Board may grant such request. If the Board determines that the modification is not minor in nature, no such request may be granted until after a subsequent Public Hearing conducted for the purpose of fully discussing such modification. In any event, no such modification shall be undertaken until such time as the Board has approved the request in writing. Any modification or deviation shall be fully processed in accordance with this General Condition prior to the applicant initiating a request for Final or Conditional Special Permit/Site Plan Sign-Off. In the event that the applicant intends to seek a Conditional Special Permit/Site Plan Sign-Off, any paving or landscaping relief shall be completely processed in accordance with this General Condition prior to the applicant initiating a request for Conditional Special Permit/ Site Plan Sign-Off. The applicant may be required to submit a cash guarantee for the remaining outstanding work which will be returned once work is completed and As-Built Approval is voted by the Planning Board.
5. **ZONING BY-LAW COMPLIANCE:** No aspect of this Special Permit/Site Plan Approval decision or of any Condition of Approval shall be construed in such a manner so as to alleviate an owner, applicant, assign, or successor from full compliance with all pertinent provisions and requirements of the Zoning By-Law for the Town. Unless otherwise called for in this decision, requirements shall be as specified under the Hanover Zoning Bylaw.
6. **CONDITIONS FOR DEVELOPMENT:** During the course of all development and construction activities and throughout the period when uses and activities authorized by this Special Permit/Site Plan Approval decision are conducted, the applicant, owner, agents, assigns and successors shall comply with all provisions of Section 6.420 of the Zoning By-Law for the Town relative to odor, dust, smoke, noise, heat, vibration, etc.

7. **PRE-CONSTRUCTION MEETING:** (Not Applicable) At least four weeks or sooner, but prior to initiating any construction activities, the applicant(s) shall notify the Town Planner and Planning Board by electronic mail of their intentions to start development and/or construction. A pre-construction meeting is mandatory and shall be conducted with the applicant's engineer, on-site construction supervisor or site contractor and if deemed necessary by the Town Planner, representatives from the Board of Health, Building Commissioner, Conservation Commission, Department of Public Works and Fire Department.
8. **REVIEW BY OTHERS:** The applicant shall secure all requisite permits prior to commencing any work under this Special Permit/Site Plan Approval. We specifically call your attention to the possibility of need for permits from the Board of Health, the Board of Public Works, the Board of Selectmen and the Conservation Commission. Additionally, regulatory agencies of the Commonwealth may have jurisdiction over this project.
9. **PLAN MODIFICATION BY OTHERS:** Should a permit from any other entity include provisions which require a revision of the Plan, such revision shall be submitted to the Town Planner and if necessary approved by the Planning Board prior to the start of any construction activities in accordance with General Condition #4, above.
10. **OFF-SITE WORK:** All work done off-site shall be to the satisfaction of the appropriate owner or public body having jurisdiction. In the case of Town roads, public ways, Town lands and Town easements, the work shall conform to the requirements of the Hanover Board of Public Works and to the satisfaction of the Planning Board. In the case of State roads, (Route 3, Route 53 and Route 139), the work shall conform to the requirements of the Massachusetts Highway Department.
11. **SITE CLEARING:** (Not Applicable) Approved Site Plans shall have a line of work established on the plan prior to endorsement. No trees larger than 3" caliper may be removed outside of the line of work without the prior and specific approval of the Planning Board.
12. **TIME LIMIT APPROVAL:** If substantial use of the site under this permit or construction of this project does not begin within **one (1) year** of the date of filing of this decision with the Town Clerk, then the granting of this Special Permit/Site Plan Approval shall become null and void (See ZBL Section 13.200). Furthermore, all work must be completed within **two (2) years** of the on-site construction meeting. A new application and approval shall be necessary to proceed with such construction if no extension is granted by the Planning Board.

13. **APPROVAL SCOPE:** This Special Permit/Site Plan Approval, and the obligations of the applicant set forth in the conditions hereto, shall run with the land comprising the site and shall inure to and be binding upon the applicant, its successors and assigns (including lessees and tenants).
14. **LANDSCAPING GENERAL:** Prior to the issuance of a Certificate of Occupancy for the subject construction, all parking areas and landscaping shown on the Plan referenced above shall be completed.
15. **LANDSCAPE MAINTENANCE:** In accordance with Section 8.320 of the Zoning By-Law, it shall be the responsibility of the owner(s) of the site to ensure that all vegetation and landscaping is maintained in a healthy condition and that any dead or dying materials be replaced at the earliest appropriate season. Any violation of this General Condition shall be considered a violation of this Special Permit/Site Plan Approval and of the Zoning By-Law for the Town and may be treated accordingly.
16. **CURBING REQUIREMENTS:** Whenever an approved Site Plan indicates a requirement for granite curbing, pre-cast concrete curbing, or sloped granite edging, all curb joints shall be grouted and sealed with a substance and in a manner compatible with the curbing material. A street opening permit shall be required from the Department of Public Works prior to initiating any work within the right of way.
17. **SIGNS:** All signage shall be erected in conformance with the Hanover Sign By-Law and all permits shall be secured before proceeding. No waivers have been granted in this Decision, and the Board will not support any future waivers with regard to signs.
18. **SITE LIGHTING:** (See Condition # N/A) all site lighting shall be designed and erected in a manner such that no illumination shall spill onto adjacent lots or public ways. We specifically call your attention to the observation that the typical fixtures provided by utility companies or those generically known as "floodlights" are unlikely to provide acceptable lighting. The fixtures generically known as "sharp-cut-off" or "shoebox" are, when correctly adjusted, more likely to accomplish the required lighting.
19. **NO BUILDING PERMIT AND/OR OCCUPANCY PERMIT** shall be issued for construction/occupancy until all debts to the Town have been satisfied.
20. **SPECIAL PERMIT/SITE PLAN SIGN-OFF REQUIRED** No Occupancy Permit (temporary or permanent) shall be issued for the proposed project until the Town Planner certifies to the Building Commissioner in writing that all site work indicated on the above referenced plans



has been substantially completed in accordance with said plans, this decision, and As-Built Approval has been voted by the Planning Board. At least two (2) weeks prior to seeking an Occupancy Permit/Final Inspection from the Building Commissioner, the applicant shall submit a written request to the Town Planner to make such inspections, based on an As-Built Plan provided by the Applicant showing any minor field changes. Upon recommendation from the Town Planner, the Planning Board at a public meeting will vote As-Built approval and issue an As-Built Certificate. If the request is for a temporary Certificate of Occupancy, the Planning Board shall require a cash performance guarantee be held until all work is completed and an As-Built Certificate is issued and then said funds shall be released.

21. In as much as the asphalt plants cease operations and trees or shrubs may not be successfully transplanted during the winter months, it is incumbent upon the Applicant to carefully schedule the work of the Special Permit/Site Plan to completion prior to the onset of cold weather. If for documentable reasons, beyond the Applicant's control (e.g. water use ban, bankruptcy of the contractor, etc.) the work of the Special Permit/Site Plan will not be completed prior to winter, the Town Planner will conduct a Conditional Final Inspection. The Town Planner and Planning Board may require a Performance Guarantee or evidence, in the form of executed and prepaid contracts, that the otherwise undone and undoable work will be completed, at the earliest possible date. If this procedure is deemed necessary and unavoidable, the Town Planner and Planning Board will recommend to the Building Commissioner that any Temporary Certificate of Occupancy he may issue be limited to a minimal period of time (in no case should this exceed 200 days) and tied to the completion of the Special Permit/Site Plan.
22. The Board reserves the right to treat as violations of the Zoning By-Law (Section 10) any incomplete work which remains undone at the termination of the Final Inspection by the Building Department.
23. All construction shall be in accordance with the approved site plans, building elevations/ drawings and reports referenced above in this decision.
24. All water services and installations shall be in accordance with the requirements of the Town of Hanover Department of Public Works.

**SPECIAL CONDITIONS**

25. The SPGA grants a major modification of the original Special Permit/Site Plan Review Approval (PB #16-19) of condition #1 to allow an additional one (1) year extension until **October 17, 2023** to allow the existing residential structure to remain as is and preventing the requirement of razing the structure per the original decision condition #1 recorded at the Plymouth County Registry of Deeds as Book 57307 Page 152.
26. In accordance with condition #25, the applicant shall re-appear before the SPGA within six (6) months of this approval with a status report as to the marketing of the structure for a business use. The status report shall identify how the project was marketed, potential interest and if not leased those reasons provided by interested parties. Said status report shall be provided in writing before meeting at a regularly scheduled meeting of the SPGA/Planning Board within six months.
27. As a major modification relative to condition #1 of the original PB #16-19, all of the conditions of the original decision remain in force and applicable to the project site.

The Planning Board affirms that all provisions of Sections 9 & 11 of Chapter 40A of the Massachusetts General Laws and Sections of the Hanover Zoning Bylaws were complied with as regards to procedures.

NOW, THEREFORE, by vote of the Planning Board, this Special Permit/ Site Plan Approval is granted consistent with the requirements of said Sections 4.00, 6.00, 7.00, and 10.00 and all other pertinent sections of the Hanover Zoning Bylaw and upon the Special and General Conditions contained herein.

This Special Permit/Site Plan Approval shall not be effective until the Planning Board receives evidence from the applicant of recording with the Plymouth County Registry of Deeds in accordance with M.G.L., Ch. 40A, §11. Copy of proof of recording shall also be submitted by the applicant to the Planning Board (SPGA) and to the Hanover Building Inspector prior to the initiation of any construction activities.)

HANOVER PLANNING BOARD

  
Maryann Brugnoli, Chair



Major Modification SPECIAL PERMIT/SPR APPROVAL  
1070 Washington Street  
TPL #22-13

DATE: October 18, 2022

I hereby certify that twenty (20) days have elapsed from the date that this decision was filed with this office and no notice of appeal was received during that period.

A TRUE COPY ATTEST

May C. Galtier (asst)

Catherine Harder-Bernier

Town Clerk

Date: 11/9/2022