



TOWN OF HANOVER
2024 JAN 22 AM 11:08
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 Decisions PB File #16-19 – Recorded at Plymouth County Registry of Deeds Book 57307 and Page 152 (10/7/22) and PB File TPL# 22-13 – Recorded at the Plymouth County Registry of Deeds Book 57410 and Page 179 (11/10/22)

On January 9, 2024: VOTE ON MAJOR MODIFICATION SPECIAL PERMIT/SITE PLAN REVIEW:
Giuseppe Fornaro **MOTION** to vote deny modification of condition #1 of the original 2017 Special Permit/Site Plan Review (PB File #16-19) and require that the existing residential dwelling be razed, seconded Kenneth Blanchard

VOTE: (Y) MaryAnn Brugnoli, (Y) Giuseppe Fornaro, (Y) Meaghan Neville-Dunne
(Y), Kenneth Blanchard, (Y) Bernie Campbell, (A) Anthony Cavallaro, (A) 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 Sections 9 & 11 and the Zoning By-Law of the Town, Section 6,8,9,10 and 11 in the entirety the Town of Hanover Planning Board will hold a Public Hearing on Monday, November 6, 2023 at 7:00 p.m. at Hanover Town Hall and also via Zoom video call for the purpose of hearing the application submitted by 1070 Washington Street, LLC, Steve Callahan, 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) and an approved 2022 Major Modification of that Special Permit (PB File #22-13) to modify condition #1, to extend the period of time for conversion of the residential structure to a conforming use an additional two (2) years and to eliminate the requirement to the residential structure be razed.

The site is located at: 1070 Washington Street and is further identified as Lot 94-1 on Assessor's Map 30 consisting of 1.43 acres (62,291 square feet). The site lies in the Business Zoning District and Aquifer Protection Zone.

The Public Hearing notice was advertised in the Hanover Mariner on October 25 & November 1 2023 with notice mailed to abutters as well. The initial public hearing on November 6, 2023 was continued, at the request of the applicant, until November 20, and December 18, 2023 and January 8, 2024 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, the original 2017 Special Permit/Site Plan Decision (PB# 16-19) and the 2022 Major Modification of the 2017 Special Permit/Site Plan Decision (TPL# 22-13) found the applicant's request to be a major modification. The original decision (PB#16-19) under condition #1 required the existing dwelling to be razed within two (2) years of the approval. Under the 2022 Major Modification Decision, the Planning Board granted a one-year extension for the existing structure to remain standing and continue to be occupied with three residential units. In an application submitted on October 13, 2023, the applicants were requesting that the residential structure be allowed to remain occupied with three (3) residential units for an additional two (2) years and that regardless of the outcome of the request for the two-year extension for the residential use that the requirement that the residential structure be razed be eliminated. They further requested consideration of any other alternative to resolve the use of the property.

The Planning Board took under consideration the amount of time passed since the original 2017 Decision and 2022 Major Modification Decision and the effort that the applicants/owners had

put into marketing the property to attract a compliant business use. The Applicants offered an alternative to allow the three residential units to remain provided that the Owners take appropriate steps to have one of the unit's deed-restricted to be affordable under the Commonwealth of Massachusetts' guidelines and to have all three of these units be formally included on the Town of Hanover's Subsidized Housing Inventory (SHI) as maintained by the Commonwealth. While the SPGA has the right to insist that the Applicants comply with the unappealed and legally binding conditions the SPGA did consider the issues raised by the Applicants. Taking all of the factors of this application into consideration the SPGA found that the Applicant had not done an adequate job of marketing the property for commercial use despite the extension of time granted in 2022. The SPGA further found that the Applicants' proposal to include the three residential units on the SHI did not guarantee that the current tenants would not be evicted nor did it ensure that all three units be affordable. Ultimately, SPGA concluded that since the original decision of the SPGA remains in effect and was not appealed the Applicant/Owner remains obligated to comply with the condition that the structure be razed.

DECISION

Now, therefore, by unanimous vote, the Planning Board hereby denies the subject application for a Major Modification of the Special Permit/Site Plan Review Decision (PB# 24-13) in accordance with the provisions of the Hanover Zoning By-law and requires that Special Condition #1 on the 2017 Special Permit/Site Plan Decision (PB# 16-19) be enforced to its full effect.

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.)

Major Modification SPECIAL PERMIT/SPR APPROVAL
1070 Washington Street
TPL #23-13

DATE: January 22, 2024

HANOVER PLANNING BOARD


Maryann Brugnoli, Chair

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

Catherine Harder-Bernier
Town Clerk

Date: _____