



**PLANNING BOARD**

**TOWN OF HANOVER, MASSACHUSETTS**

**APPROVAL OF SPECIAL PERMIT/SITE PLAN REVIEW**

**LOCUS:** 1988 Washington Street shown as Assessors Map 5, Plot 26

**ZONING:** Commercial District and three Overlay Districts including Telecommunication, Adult and Medical Marijuana Overlay Districts.

**OWNER(S):** Hanover Automotive Properties, LLC (C/o William McLaughlin)  
117 Hammond Street  
Chestnut, MA 02467

**APPLICANT(S):** Henley Enterprises, Inc. (C/o Richard MacDonald)  
54 Jaconnet Street  
Newton Highlands, MA 02461

**ENGINEER & SURVEYOR** Edward L. Pesce, (RPE #32001) of Pesce Engineering & Associates, Inc.  
43 Porter Lane  
West Dennis, MA 02670

John L. Churchill Jr. (RPLS #40866) of JC Engineering, Inc.  
2854 Cranberry Highway  
East Wareham, MA 02538

**DRAWINGS & REPORTS: (ALL INCORPORATED HEREIN BY REFERENCE)**

*"Proposed Valvoline Instant Oil Change Facility in Hanover, Massachusetts" dated 4/7/22*  
stamped by Edward L. Pesce (RPE) & John Churchill (RPLS), Scale 1" - 20" – 3 Sheets.

*"Valvoline Instant Oil Change 1988 Washington Street, Hanover, MA – Existing Floor Plans" prepared by CME Architects, Inc. – no stamp dated 2/7/22 (3 Sheets)*

*"Valvoline Instant Oil Change 1988 Washington Street, Hanover, MA – Proposed Floor Plans" prepared by CME Architects, Inc. – no stamp dated 2/7/22 (5 Sheets)*

**VOTE ON SPECIAL PERMIT/SITE PLAN REVIEW:** Giuseppe Fornaro **MOTION** to vote Approval of 1988 Washington Street, subject to conditions, seconded by Kenneth Blanchard.

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

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

### **SPECIAL PERMIT AND SITE PLAN APPROVAL APPLICATION**

Notice is hereby given in accordance with Massachusetts General Laws (MGL), Chapter 40A (The Zoning Act), Sections 9 & 11 and the Zoning By-Law for the Town of Hanover, Sections 4 (Pre-existing, Non-conforming uses, structures, lots & other Non-conformances) Section 6 (Use regulations) and Section 10 (Site Plan Approval) that the Town of Hanover Planning Board held a Public Hearing on Monday, May 9, 2022 at 7:00 p.m. at Town Hall and via Hybrid Zoom video call. The hearing was held on the application of 1988 Washington Street for portion of building demolition/proposed modification of the site and building to include; additional pavement and landscaping in the portion of the demolished footprint and along the south side of the main building an addition (80 SF) for a second means of egress. Interior reconfiguration with the primary existing building includes an additional service bay, increased oil storage in basement area and on the first floor; manager's office, employee area and restrooms areas. The public hearing was May 9, 2022.

The applicant requests a Special Permit under Hanover ZBL Section 4.220 (3a) due to the front yard building setback being deficient of the required front yard setback that resulted from an eminent domain taking by the MA Department of Transportation with the widening of Route 53/Washington Street. An additional means of access/egress into the building is being added to the southerly side of the building approx. 80 SF a de minimis life and safety extension.

The rear portion of the building was approved via a Special Permit/Site Plan Review approval (File #07-31) in 2007. This area once the addition is demolished will be improved with landscaped areas and with some minimal pavement to improve the overall site vehicular circulation on the site.

Internally, the building will be upgraded with an expanded basement area to house the waste oil containment area and reconfiguration of the existing bays to create a new fourth bay. On the first floor additional space and reconfiguration will result in a manager's office, restrooms and employee area. The exterior of the building will be improved with the addition of a fourth garage door (front & back) and a new entrance vestibule facade with signage above.

The Public Hearing notice was advertised in the Hanover Mariner on April 20 & 27, 2022 with notice mailed to abutters as well.

### **FINDINGS**

After thorough analysis and deliberation, the Planning Board acting as the Special Permit Granting Authority (SPGA) under ZBL Section 4.220 (3) found the commercial non-conforming structure with the new proposal to be no more detrimental to the commercial neighborhood than what exists today on the site. Internal reconfiguration with the additional bay and waste oil storage area remained within the original footprint of the building. The SPGA found pursuant to ZBL Sections 7 and 10, the demolition of the rear addition decreased the overall building coverage from 8.6% down to 5.2% which in turn increased the amount of pervious area on the lot with increased additional landscaping. The proposal for the improvements to support only the Valvoline instant oil change facility as the primary user is a de-intensification of the operations on the site down to one primary user. The Planning Board finds the applicants have complied with all pertinent provisions of the Zoning By-Law applicable for the proposal.

### **DECISION**

Now, therefore, by unanimous vote, the Planning Board hereby approves the subject application for Special Permit/Site Plan Review 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, RANDOLPH KAZAZIAN as representatives of/for 1 on this date, MAY 19, 2022 do hereby certify that I (We) have completely read and do fully understand all General AND Special Conditions of Planning Board Decision, File #22-2, dated May 10, 2022, relative to the Valvoline Instant Oil Change at 1988 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.

HENLEY ENTERPRISES, INC.

Randolph A. Kazazian  
Signature(s) VICE PRESIDENT, REAL ESTATE

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:** (See Condition # 27) 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:** (See Condition # N/A) 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 contacts, 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. **Prior to issuance of any building permit**, the Hanover Fire Department shall provide written comments as to the emergency access around the building, primarily the southerly side of the building. Should the Fire Department express a concern regarding the width of access in this area, site improvements (i.e.: pavement widening, curb relocation etc.) shall be designed by the applicant's engineer to the satisfaction of the Hanover Fire Department and provided to the Planning Department prior to the start of any demolition or construction.
26. In the final architectural design of the roof top area behind the proposed north side parapet, if found to require HVAC equipment and/or any ventilation appurtenances, shall be screened to minimize the visual impacts. Existing HVAC systems on the existing building not subject to the renovations are exempted from this requirement but are encouraged if and when replaced to consider screening if possible.
27. **In accordance with condition #7 and prior to the start of any mobilization or site work including demolition**, a pre-development meeting with the Town Planner with the applicant, developer and site work contractor shall be held to review all conditions of the decision. At this meeting the following materials shall be provided to the Town Planner:
  - a. Name, Address and a 24/7 telephone number of General and/or Site Contractor
  - b. Estimated construction schedule and completion deadline
  - c. Proposed location of construction trailer, stockpiling and construction fencing



28. The Applicants proposal of new construction and site amenities (i.e.: parking area and walks) had estimated lot coverage of 48.5%. Any modification of the plans approved and/or a specification that increases lot coverage shall require review by the Town Planner prior to installation of any impervious surface to determine if a modification needs Planning Board review and action. Landscaped areas and plantings shall be viewed by the Town Planner upon completion and if deemed additional areas or plantings are necessary the applicants will work with the Town Planner to accomplish prior to issuance of the final Certificate of Occupancy.

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

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: June 9, 2022