



TOWN OF HANOVER
2023 APR 25 AM 11:11
TOWN CLERK

**PLANNING BOARD
TOWN OF HANOVER, MASSACHUSETTS**

MAJOR MODIFICATION OF SPECIAL PERMIT/SITE PLAN REVIEW

Original Decision PB File #TPL 17-21

Recorded Plymouth County Registry of Deeds Book 50423 and Page 96 (recorded 10/19/18)

LOCUS: 283 Columbia Road shown as Assessors Map 57, Plot 86 & 87

ZONING: Business District Water Resource Protection Overlay District.

PROPERTY OWNER(S): Previte's Hanover LLC
C/o Joseph Previte
283 Columbia Road, Hanover, MA 02339

APPLICANT(S): Same as Property Owner

ARCHITECT: Habeeb & Associates Architects
150 Longwater Drive, Norwell, MA 02061

DRAWINGS & REPORTS: (ALL INCORPORATED HEREIN BY REFERENCE)

****See prior Original Decision PB File #TPL 17-21– Recorded at Plymouth County Registry of Deeds Book 50423 and Page 96 (recorded 10/19/18)**

"Previte's Marketplace – Office Additions" – 8 x11 handout submitted 4/6/23 by Jerry Pucillo – seven 8 x 11 sheets

"Office Addition Previte's Marketplace -283 Columbia Road, Hanover, MA 02339 Progress Drawings" dated 3/31/23 revised submission 4/6/23, no stamp, prepared by Habeeb & Associates Architects of Norwell (loading dock addition partial plan: A-110, A-121, A-122 & A-201)

On April 24, 2023: VOTE ON MAJOR MODIFICATION SPECIAL PERMIT/SITE PLAN REVIEW:

Member Dunne **MOTION** to vote approval with conditions pursuant to General Condition #4 of the original 2018 Special Permit/Site Plan Review (PB File #17-21) as a major modification to allow two additions in two areas; The first addition in the loading docks area for a two-story addition (24 'x 15'.6"lf = 748 GSF) The second addition is only a second-floor addition (20' x 65'lf =1300 SF) supported by pilings/columns with no first floor at the rear of the building in the area of the HVAC equipment also to be office area only on the second floor both for office use, seconded by Member Fornaro.

VOTE: (Y) MaryAnn Brugnoli (Y) Kenneth Blanchard (Y) Meaghan Neville-Dunne
(Y) Giuseppe Fornaro (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 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 held a public hearing on Monday, April 10, 2023 at 7:00 p.m. at Hanover Town Hall and also via Zoom video called for the purpose of hearing the application of Previte's Marketplace Inc. for a major modification to the business structure previously approved in 2018 (PB File #17-21) to construct two additions to the existing building. The first addition is within the loading docks area for a two-story addition (24 'x 15'.6" lf = 748 GSF) that will be an office on the first floor and office on the second floor. The second addition is only a second-floor addition (20' x 65'lf =1300 SF) supported by pilings/columns with no first floor at the rear of the building in the area of the HVAC equipment also to be office area only on the second floor. Both additions proposed are for additional office spacer for the Previte's Marketplace operation.

The site is located at: 283 Columbia Road, Hanover and is further identified as Map 57 Lot 86 & 87 consisting of a combined total of 3.62 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 March 22, 2023 & March 29, 2023 with notice mailed to abutters as well. The initial public hearing was held on April 10, 2023 and mutually continued to April 24, 2023 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 2018 Special Permit/Site Plan Decision (PB# 17-21) found the applicant's request to be a major modification. The original decision (PB# 17-21) under general condition #4 requires that any deviation of the original 2018 approval shall be approved by the SPGA through a public hearing process. The applicants presented that the Previte Marketplace has been operational since September of 2021 and has now been able to determine their actual operational space needs. The SPGA previously approved a Major Modification (PB#22-17) on 11/7/22 for another proposed addition. Since that approval, Previte Marketplace has chosen to forgo that proposed designed and go with the current 2023 alternative design as shown on the approved plans.

The current request to modify, includes an addition that primarily covers the area previously dedicated to one (1) of the three (3) loading dock areas. A two-story addition proposed for office space with a total area of approximately 748 GSF. Included is an open walk around area on the first floor for accessing the dumpster and exterior areas by personnel. The second addition is located at the rear of the building, on columns/pilings – second floor only - with a total of 1,300 SF also for office space. This is accessible by interior stairs and existing elevator and will be office space with a conference room area to be utilized by Previte. The second-floor area along with the first floor has no retail component and will be utilized by employees only. Internal modifications are also proposed that will include an extension of the second-floor mezzanine area over the retail portion of the first floor Previte's market to extend the future restaurant area.

The SPGA found that the proposed additions as office use and based on the current available parking would not impact the existing Marketplace negatively however the SPGA condition that if in the future a change of use is desired – available parking would have to be reviewed to assure compliance with a proposed new use (see condition #26) as to available parking.

The applicants demonstrated to the SPGA a proposed truck access and exit route that will be shared with vendors that frequent the site. The SPGA felt the proposed route addressed concerns as to accessibility and pedestrian safety on the lot. The SPGA found the two-story addition creates no new impervious coverage since it is going over an existing loading dock.

Located in the Aquifer Protection District, the existing site currently has 68.4% lot coverage which exceeds the Aquifer Protection 50% lot coverage requirement. The SPGA felt the original 2018 approval was addressed as redevelopment however future increased impervious coverage is discouraged (see condition #28). The second story addition although open below to HVAC equipment and grassed area is considered coverage, the SPGA found it be a minimal impact as long as that area remains grassed. The SPGA also found all utilities for the new additions can be connected through the existing structure. The SPGA agreed with the Hanover Fire Department's

(4/5/23) comments and has included their concerns into the special conditions; No other Town Departments commented on the project.

DECISION

Now, therefore, by unanimous vote, the Planning Board acting as the Special Permit Granting Authority hereby approves the subject application PB #23-3 for a Major Modification of the Special Permit/Site Plan Review Decision (PB# 17-21) 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, Joe Perre as representatives of/for 283 Columbia Road LLC on this date, April 24, 2023 do hereby certify that I (We) have completely read and do fully understand all General AND Special Conditions of Planning Board Decision, File #23-3, dated April 24, 2023, relative to the Major Modification Request at 283 Columbia Road. 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 this endorsed Major Modification 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:** 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:** 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 **three (3) years** of the on-site construction meeting. A new application and approval shall be necessary to proceed with such construction if an applicant does not ask for and obtain an approved extension that 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 insure 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 #32) 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 #17-21) of condition #4 to allow the following; the first addition in the loading dock area is for a two-story addition (24' x 15'.6" lf = 748 GSF). The second addition is only a second-floor addition (20' x 65' lf = 1300 SF) supported by pilings/columns with no first floor at the rear of the building in the area of the HVAC equipment. Both additions are for office use only. The proposed additions are for use by Previte Marketplace operations. The conditions of the original PB #17-21 decision as recorded at the Plymouth County Registry of Deeds as Book 50423 Page 96.
26. The application before the SPGA dedicated the proposed additions as office space. Any modification to change office to any other use shall require the applicant, in accordance with Condition #4, to discuss with the SPGA if a major modification will be necessary prior to such change of use of the combined total 2,049 SF additions.
27. No other modifications to create additional loading areas along the rear of the building for other tenants are part of this decision. An open and available travel lane shall be maintained around the entire building to ensure emergency accessibility at all times for public safety. No vehicles, trucks and/or any equipment shall obstruct such access.
28. The area beneath the second-floor addition to be on the column/pilings over the existing grassed area shall remain grassed landscaping as is and not be covered with an impervious surface in order to maintain the 68.4 % lot coverage for Business and Aquifer Protection Overlay District that exists on the lot today. Modification of the area with a future impervious surface may require Zoning Board of Appeals review as it relates to increasing lot coverage given the zoning for the property.
29. The architecture of the proposed additions shall match the existing architecture of the existing building. Bollards and/or a similar protection, shall be provided for the supports (i.e.: pilings and/or columns for the second floor) for protection from any motor vehicles utilizing the adjacent parking spaces in this area. If any mechanical or HVAC equipment is to be placed on the roof of the second-floor addition it shall be screened from view with some type of architectural feature.
30. In accordance with the Hanover Fire Department memo of April 5, 2023, three new requests were made under this application;
 - A. The existing Fire Department access around the building remains the same and is not narrowed in any way without prior approval from the Hanover Fire Department
 - B. Building over the generator may require considering the generator's exhaust in proximity to the building, the fact is under the overhang and under a window.

- C. The existing sprinkler system and fire alarm system will have to be tied into the new additions.

In addition, from the previous 2022 approval, the applicant shall post signage stating no permanent parking of trucks or vehicles within or along the travelled way adjacent to the loading area. In addition, the area of the addition and modified loading area shall be used only for the loading and unloading of trucks and trailers – no overnight parking shall occur within this area. All vendors making deliveries to the site shall be made aware of these requirements.

31. The loading and unloading of trucks within this area shall be during normal business hours and no overnight deliveries are permissible given the close proximity of the residential neighborhood. This shall also include the routine maintenance of the four (4) dumpsters located along the perimeter of the lot on the concrete pad shown on the site plan.
32. Any exterior lighting shall be so directed downward preventing glare to the neighboring residences and shall be shut off one hour after the close of the business except for any security lighting.
33. The area of the second floor only addition there shall be no banners and/or temporary signage to be hung from the addition unless the applicant has obtained a Building Department permit for such activity under the Town's General Sign bylaw.
34. At the time of this decision the As-Built Approval for the entire site had not been closed out. The Applicants shall upon completion of the work authorized under this major modification (PB#23-3) shall show the additions on the As-Built Plans and submit to the Planning Department for the SPGA review and approval of the entire site SPGA permits.

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, acting as the Special Permit Granting Authority, this Major Modification of the original Special Permit/ Site Plan Approval is granted consistent with the requirements of said Sections 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: 5/16/23