

SPECIAL PERMIT/SPR APPROVAL
357 Columbia Road
TPL #21-6

DATE: July 13, 2021



TOWN OF HANOVER
2021 JUL 19 PM 2:13
TOWN CLERK

PLANNING BOARD

TOWN OF HANOVER, MASSACHUSETTS

APPROVAL OF SPECIAL PERMIT/SITE PLAN REVIEW

LOCUS: 357 Columbia Road shown as Assessors Map 65, Lot 69

ZONING: Business District and Water Resource Protection Overlay District

OWNER(S): 357 COLUMBIA ROAD LLC
122 Quincy Shore Drive
Quincy, MA 02171

APPLICANT(S): PICKLES NE, LLC
C/o Lisa Demeritt, Co-Founder
357 Columbia Road
Hanover, MA 02339

**ENGINEER/
SURVEYOR:** Anthony E. Farmand (RPE #49668) of EBI Consulting, Quincy, MA
Damien J. Raffle (RPLS #49629) of Feldman Land Surveyors, Boston, MA

DRAWINGS & REPORTS: (ALL INCORPORATED HEREIN BY REFERENCE)

"Topographic Plan 357 Columbia Road, Hanover, MA" dated 5/18/2021 stamped by Damien J. Raffle (RPLS #49629) of Feldman Land Surveyors, Scale 1" = 40' – 1 Sheet.

"Proposed Pickle Ball Courts – Development Plan" dated 4/21/2021 stamped by Anthony E. Farmand (RPE #49668) of EBI Consulting, Scale 1" = 20' – 1 Sheet.

Memo from EBI Consulting dated 7/8/21 – stamped by Anthony E. Farmand (RPE #49668)
Re: storm water calculations – Pickle ball courts 357 Columbia (4 pages)

VOTE ON SPECIAL PERMIT/SITE PLAN REVIEW: On July 12, 2021, Giuseppe Fornaro **MOTION** to vote Approval of 357 Columbia Road Pickles Proposed Pickleball Courts TPL#21-6, subject to conditions, seconded by Meaghan Neville-Dunne (4:0)

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

(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, Sections 6.100, 6.800, 7.00, and 10.000, that the Town of Hanover Planning Board held a Public Hearing on Monday, June 28, 2021 at 7:00 p.m. via Zoom video call pursuant to Governor Baker's Emergency Order dated March 10, 2020 (extended until 4/1/2022) during the COVID Pandemic, for the purpose of hearing the application of Pickles Proposed Pickle Ball Courts, 357 Columbia Road, Hanover, MA 02339. The original public hearing was mutually continued to Monday, July 12, 2021.

The applicant requests a Special Permit and Site Plan Review under Zoning Bylaw Sections 6.100, 6.800, 7.000, and 10.000, for the installation of four (4) outdoor Pickle Ball courts with related appurtenances proposed on the southeast side of the existing building at 357 Columbia Road. Presently, the existing building (46,703 SF) is occupied by Planet Fitness and Pickles Indoor Courts. The site is 7.5 acres located in the Business zoning district located within the Hanover Water Resource Protection District. The proposed expansion of the four (4) Pickle Ball courts is subject to the requirements of the Water Resource Protection District. In addition Site Plan Review approval is required under ZBL Section 10.000 for any use in the Water Resource Protection District. The Public Hearing notice was advertised in the Hanover Mariner on June 9 & 16, 2021 with notice mailed to abutters as well.

FINDINGS

After thorough analysis and deliberation, the Planning Board acting as the Special Permit Granting Authority (SPGA) for development within the Water Resource Protection District and performing Site Plan Review finds that the applicants have complied with all pertinent provisions of the Zoning By-Law for the Town as follows:

Section 6.100 (Business District) – The Planning Board found that the premises of the proposed outdoor pickle ball courts will be located within a Business District. The proposed use of the outdoor pickle ball courts is an expansion of a permitted use categorized under Memberships Club and is best described as commercial recreation for a fee. The expansion of outdoor courts within the Business zoning district and adjacent to the existing indoor commercial recreation compliments

this recreational niche of different non-retail uses in this area of Hanover and is compatible to the business uses surrounding the site.

Section 6.800 (Water Resource Protection District) – The site at 357 Columbia Road is located within the contributory Aquifer Recharged Area a component of the Town's Water Resource Protection District. The site pre-existed the implementation of the Water Resource Protection District and is afforded some grandfathering for those conditions prior to 1981. The purpose of this section of the Zoning Bylaw is to protect the water supply influenced by both surface and groundwater from contamination. Although not a building, the proposed courts cover approximately 18,000 SF of existing vegetative area that perform as a natural filter and conduit within the Aquifer area of contribution for storm water. The applicant's engineers (EBI Consulting) provided a storm water analysis on May 11, 2021 detailing the pre and post drainage calculations for a 2-10-25 year storm event. Their conclusion included the installation of a low impact grass swale to address the loss of 18,000 SF of impervious surface to the courts. The grassed swale will address both water quality and quantity of storm water as noted by the engineers. The Department of Public Works (DPW) commented there are no concerns with the project in the email of July 8, 2021.

The Planning Board, acting as the Special Permit Granting Authority under Section 6.820-6.850 has found that the proposed courts are an allowed use and collectively are approximately 2.3% of the entire lot coverage not exceeding the non-residential use threshold of 15% of impervious surface over the entire lot. Once constructed the existing coverage (building and parking lot) with the courts lot will be approximately 54% of lot coverage in compliance with the Business District Zoning (not to exceed 60%) and since the courts are not considered a structure, requiring a building permit, then the 40% requirement was not triggered. The existing building constructed around 1967 with parking areas pre-existed the establishment of the 1981 Water Resource Protection District. The Planning Board found the proposed development of four exterior courts was not any more detrimental to the water resources than the existing conditions of the site. The applicant's design includes a low impact swale to address the storm water run-off by infiltration and overflow to the existing vegetated area of the lot.

Section 10.000 (Site Plan Required pursuant to 6.820) – The Planning Board found that because the site of the proposed exterior pickle ball courts lies within the Water Resource Protection District, that in addition to the Special Permit under 6.820 - Site Plan Review under Section 10.000 is required. The Planning Board reviewed the site plans submitted and found that the applicable content of the site plan had been met for the limited use. Since the use is continuation of the existing indoor recreational use there was no need for additional impact assessments of traffic, environmental, fiscal and community because of the small size of the development. The site plan prepared by EBI Consulting sufficiently showed the necessary aspects of the project and proposed mitigation for storm water run-off.

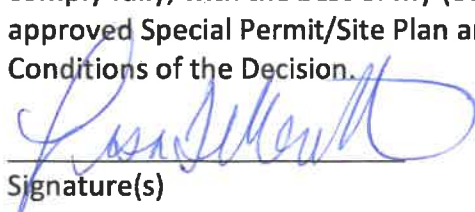
DECISION

Now, therefore, by unanimous vote of members present, 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 Special and General Conditions.

GENERAL CONDITIONS

1. **ENDORSEMENT OF DECISION:** 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 applicant shall present an original of this decision 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, LISA DEHAERT as representatives of/for Pickles NE, LLC on this date, July 19, 2021 do hereby certify that I (We) have completely read and do fully understand all General AND Special Conditions of Planning Board Decision, TPL #21-6, dated July 12, 2021, relative to the proposed Four(4) outdoor Pickleball Courts – 357 Columbia St., Hanover, MA 02339. 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.

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 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 #25) At least four weeks prior to initiating any construction activities, the applicant(s) shall notify the Town Planner and Planning Board by certified mail of their intentions. A pre-construction meeting shall be conducted with the applicant's engineer, the on-site construction supervisor and representatives of the Planning Board, Board of Health, Building Commissioner, Conservation Commission, Department of Public Works and Fire Department.
8. **LANDSCAPING GENERAL:** Prior to the issuance of a Certificate of Occupancy for the subject expansion, all parking areas and landscaping shown on the Plan referenced above shall be completed.
9. **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.

10. **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.
11. **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.
12. **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 and approved by the Planning Board prior to the start of any construction activities in accordance with General Condition 4, above.
13. **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.
14. **SITE CLEARING:** (See Condition #26) No trees larger than 3" caliper may be removed without the prior and specific approval of the Planning Board.
15. **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. The applicant shall notify the Planning Board by certified mail at least four weeks prior to commencing any work on the site. The Planning Board will thereupon schedule an on-site construction meeting. In attendance at said meeting shall be the applicant's engineer, construction supervisor and representatives of town agencies as specified in Section 10.300 of the Zoning By-Law. Furthermore, all work must be completed within two 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.
16. **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).

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 #30) 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. (see condition #30)
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 shall be issued for the proposed expansion 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 all applicable Zoning Bylaws and Planning Board Rules and Regulations. 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 as are necessary to verify said completion.
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 uncompleted 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 drawings and reports referenced above.

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. In accordance with condition #7 and prior to the start of any mobilization or site work, 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
26. Prior to the start of any site work (includes mobilization, tree clearing etc.), the development site shall be flagged as to the extent of tree clearing to clearly delineate what vegetation is being cut and removed and to prevent any over clearing of trees that are not necessary to be removed. The tree line shall be viewed on-site by the Planning Staff and approved prior to the start of any tree clearing on the site.
27. As the tree clearing is performed, the contractor shall install soil and erosion controls around the work site of the four (4) courts to prevent any erosion and also install a small gravel apron at the pavement edge where trucks will be entering and exiting the construction site.
28. During construction the Applicant and General Contractor shall keep the site in a relatively clean manner, if material is tracked along the designated truck route it shall be broom swept daily. Any catch basins located down gradient of the construction site or on the paved surface of the designated truck route shall have catch basin inserts installed for the life of the construction to protect from sediment entering into the storm water discharge. In the event of any forecasted long inclement weather event, additional erosion control measures may be required for the site and around stockpile areas.
29. The Applicants propose the installation of four (4) exterior pickle ball courts at the southeast corner of the existing building at 357 Columbia Road. Estimate lot coverage for the courts is approximately 18,000 SF. Any modification of these specifications shall require review by the Town Planner prior to installation to determine if a modification that needs Planning Board review and action.
30. This Special Permit approval includes no exterior lighting. If in the future the applicant desires exterior lighting, it will require review and approval as a major modification of the Special Permit given the proximity of the residential properties to the west of the site. The applicants shall return to the Planning Board for such approval prior to installing any lights.

31. The applicant's shall maintain emergency access at all times in accordance with the Fire Department's comments of 6/16/21, that requested a.) "the roadway that runs between the building and the proposed future curbing by others is 24' feet wide for fire apparatus access and b.) a snow removal plan be in place to maintain that roadway."

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 6.100, 6.800, 7.000, and 10.000 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



Kenneth Blanchard, Vice-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: _____