

TOWN OF HANOVER  
2022 SEP -7 AM 10: 07  
TOWN CLERK



**PLANNING BOARD**

**TOWN OF HANOVER, MASSACHUSETTS**

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

**LOCUS:** 50 B Street (Site comprised of more than one lot)  
#50 B Street (Vacant) and Lot size .52ac (22,780 SF)  
#56 B Street (Building 14,840 SF) and Lot size 3.55ac  
#64 B Street (Building 42,106 SF) and Lot size 4.56 ac  
#72 B Street (Vacant) and Lot size .22ac (9,583 SF)  
#0 B/King St (Vacant) and Lot size .43ac (18,731 SF)  
The Combined Total = 9.28 ac +/- (according to the Town's GIS/Assessors)

**ZONING:** Fireworks District, Telecommunication Overlay District and Floodplain Overlay District.

**OWNER(S):**

Fox Island LLC	Headhouse LLC
C/o Jay Flanagan	c/o Jay Flanagan
80 Washington Street (Suite 45)	256 Marginal Street
Norwell, MA 02061	East Boston, MA 02128

**APPLICANT(S):** Same as Above

**SURVEYOR:** Deana Boumitri, RPLS #49075 – Merrill Engineers and Land Surveyors  
**ENGINEER/** Deborah W. Keller, RPE #45874 – Merrill Engineers and Land Surveyors

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

"Septic Design Plan, 50, 56, 64 & 72 B Street Assessors Map 60 Lots 105, 103, 95, 139 & 113 Hanover, MA 02339" dated 5/18/22 last revision 8/22/22 Scale 1"-30' stamped by Deana

Boumitri RPLS # 49075 and Deborah W. Keller RPE #45874 of Merrill Engineers and Land Surveyors (2 sheets)

March 11, 2022 Stormwater Management Report – Site Improvements 50, 56, 64, 72 B Street, Hanover MA (No stamp) – prepared by Merrill Engineers and Land Surveyors (6/14/22)

March 11, 2022- Revised May 18, 2022 Stormwater Management Report – Site Improvements 50, 56, 64, 72 B Street, Hanover MA stamped by Deborah W. Keller (RPE #45874) – prepared by Merrill Engineers and Land Surveyors (submitted 7/6/22)

**VOTE ON SPECIAL PERMIT/SITE PLAN REVIEW:** Member Blanchard **MOTION** to vote Approval of 50 B Street, subject to conditions, seconded by Fornaro

**VOTE:** (Y) MaryAnn Brugnoli (Y) Kenneth Blanchard (Y) Meaghan Neville-Dunne (Y) Giuseppe Fornaro (Y) Bernie Campbell (Y) Anthony Cavallaro (A) 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, 6, 7, 9, 10 & 11 in their entirety; that the Town of Hanover Planning Board held a Public Hearing on Monday, July 25, 2022 at 7:00 p.m. via Hybrid Zoom video call pursuant to Governor Baker's Emergency Order dated March 10, 2020 (extended until 3/31/2023) during the COVID Pandemic, for the purpose of hearing the application of Fox Island, LLC & Headhouse LLC of 80 Washington Street (Suite 45) Norwell, MA 02061 and 256 Marginal Street East Boston, MA 02128. The applicants are requesting a Special Permit and Site Plan Review for the construction of a new 4,500 SF single story commercial building with site improvements such as asphalt parking/access roadway, installation of a new drainage systems, utilities, site grading, landscaping and a new Title V system at Plot 50 "B" Street and portions of the adjoining lots for site improvements commonly known as the Fire Works District off King Street in Hanover, Hanover, MA 02339. The original public hearing was duly advertised and mutually continued to Monday, August 29, 2022.

The applicant requests a Special Permit and Site Plan Review under Zoning Bylaw Sections 6, 7, 9, 10, & 11 to construct a new one story 3,600 SF building (reduced from original proposal of 4,500 SF) to be used as contractor bays with 10-space parking spaces, new Title V system, drainage and other related site improvements at 50, 56, 64, & 72 B Street combined. The

existing site is comprised of 5 lots (combined total of 403,365 SF/9.26 ac) all individually have zoning issues under current zoning. The Public Hearing notice was advertised in the Hanover Mariner on July 6 & 13, 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), reviewed and approved a one story 3,600 SF building for use as contractor bays 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 6.600 & 6.605 (Fireworks District)** – The Planning Board found that the premises of the proposed one-story contractor bay building will be located within the Fire Works Zoning District. Construction of a single story business building is an allowed use in the Fire Works District (Section 6.605 A). Further defining the building's use as contractors' bays is allowed only by Special Permit under Section 6.610 (A & B) uses in Limited Industrial and Industrial Zoning Districts. The Planning Board found the proposed structure and use were compliant with the Fireworks Zoning purpose.

**Section 6.620 & 6.630 (Special Permit for Increased Lot and Building Coverage)** – The applicants are proposing the combination of all the referenced lots into one large lot with multiple buildings through either an Approval Not Required (ANR) plan or 81X plan that will be recorded at the Plymouth County Registry of Deeds. The SPGA reviewed the site as one parcel and the applicant's engineer submitted the density and dimensional requirements as one parcel. The applicants are seeking an additional Special Permit pursuant to this section for increases in Building and Lot coverage that exceeded the allowable percentage of buildable upland in the Fireworks District. The applicant's engineer has determined the buildable upland is 4.06 acres (177,051 SF) out of the potential 9.28 ac total area of all combined lots. The site is subject to riverfront, wetlands and floodplain jurisdictions diminishing the amount of buildable upland available hence the need for an additional Special Permit. The proposed building was reduced in size as such the Building Coverage will now be 35.3% and the Lot Coverage will be 65.2%.

Under Section 6.630 (B) the SPGA did note there are three (3) lots #40, #74 & #80 School Street with split zoning (Residential A and Fireworks) that directly abutted the rear portion of the subject lot in the proximity of the #156 Building. The immediate area at the northwest corner of the #156 building is subject to a Conservation wetland restoration plan and the other portions of the lot are natural wetland areas to be untouched with a variable distance of 150' to 200' LF of natural vegetation buffer. No additional buffering per 6.630 was needed.

The SPGA noted that the majority of the existing structures pre-existed the creation of the Fireworks Zoning District. The SPGA found the industrial/commercial nature of the Fireworks

District along with the applicant's pre and post efforts to address the condition of the site through clean-up and with the proposed installation of new water quality drainage warranted relief under the granting of the additional Special Permit for the lot and building coverage increases.

**Section 7.00 (Density and Dimensional Requirements)** – The Fireworks Zoning District does have dimensional requirements under Section 7.00 similar to other zoning districts. Considering the application and proposed site plan as one large “soon to be” lot, provided the SPGA with more compliance with the Fireworks required dimensions. The only exception was with the Building and Lot Coverage increases which were approved through this Special Permit (see 6.300). All of the following dimensional requirements have been complied with the merging of the lot; Lot Size and Frontage. All the setback requirements for the existing building and proposed buildings are compliant under one lot. Given the pre-existing structure identified as #56 B Street – the non-conformity involves its placement now within the floodplain. The structure was assumed built around 1940 and the Town of Hanover began participation into the National Flood Insurance Program (NFIP) in 1974.

**Under Section 8.00 Landscape and buffering** as a non-residential district (Fireworks) the site plan shall have a landscape buffer of a minimum of twenty (20) feet in depth at the front of the lot and fifteen (15) feet in depth at the sides of the lot. The SPGA noted much of the existing vegetation in certain portions of the lot exceeds linear requirement for buffering and for those areas that did not meet the requirement the site plan shows new landscaping areas.

**Section 10.000 (Site Plan Approval)** – The Planning Board found that the proposed development triggered the required thresholds under this section for site plan review pursuant Sections 10.20 (A) pre-existing non-conforming land and 10.20 C expansion of use on pre-existing non-conforming lot; The proposed project working with the Conservation Commission and the issuance of an Order of Conditions for drainage and wetland restoration has met the current Stormwater Management Policy under Department of Environmental Protection. Substantial Low Impact Development design and installation of pollution control devices will result in an overall water quality improvement of discharge into the Drinkwater River.

Under this new proposal, the proponents have provided off-street parking, improved traffic circulation, Title V improvements, landscaping and improved drainage on the site. The SPGA found that the proponents have proposed substantial improvements to the lot and prior condition of the various lots that comprise the site and is a major upgrade of the site within the Fireworks District.

## **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 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, John C. FLANAGAN as representatives of/for Fox Island LLC and Headhouse, LLC on this date, 9/6/22 do hereby certify that I (We) have completely read and do fully understand all General AND Special Conditions of Planning Board Decision, TPL #22-09, dated August 15, 2022, relative to the proposed construction of a one story contractor's Building and related site improvements at 50 B Street, 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 #28) 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 construction, 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 Select Board 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 #30) 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 (See ZBL Section 13.200). 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 #34) 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 shall be issued for the proposed Building 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. **Prior to the start of any site work and/or issuance of a building permit for new 3,600 SF building**, the applicant shall have recorded at the Plymouth County Registry of Deeds either an 81X plan or Approval Not Required (ANR) Plan that shows all the parcels of this Special Permit combined into one lot with proof of said recording shall be provided to the Planning Department.
26. The Hanover Department of Public Works – Water Division in a letter dated 7/20/22 to the Planning Department, made a number of requests relative to the site and the new construction for an improved water quality and fire protection system. The applicant shall contact and work with the Water Division relative to these concerns. **Prior to As-Built Approval**, documentation from the Water Department shall be forwarded to the Planning Department before the Planning Board takes any As-Built action.
27. The Hanover Fire Department in their email memo of 7/21/22 requested various items including increased diameter of water connection, water looping and a new hydrant within the property. The applicant shall contact and work with the water and Fire Department relative to these concerns. **Prior to As-Built Approval**, documentation from the Fire Department shall be forwarded to the Planning Department before the Planning Board takes any As-Built action.
28. **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

29. Prior to the start of any site work (includes demolition, 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 and/or Conservation staff and approved prior to the start of any tree clearing on the site.
30. As the tree clearing is performed, the contractor shall have install soil and erosion controls around the work site 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.
31. During construction the Applicant and General Contractor shall keep the site in a relatively clean manner, if material is tracked along "B" and King Street 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.
32. During Construction, the property owner shall obtain off-street parking in the vicinity where the contractor and/or subcontractor's employees can park. Construction parking on B Street is prohibited. The loading/unloading of equipment and supplies shall be accomplished as quickly as possible on B Street – no long term parking of trailers shall occur on B Street.
33. The Applicants proposal of new construction and site amenities (i.e.: parking area and walks) had estimated Lot Coverage of 65.2 % and Building Coverage of 35.3 % by Special Permit. 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.
34. This Special Permit approval includes exterior lighting. Details of the proposed lighting structures shall be provided to the Planning Staff prior to installation to assure downward lighting on timers (other than minimal security lights) to ensure no adverse illumination on the abutting properties.
35. The 3,600 SF building has been designated with this Special Permit for use as contractor bays. Any other use proposed for occupancy shall require the applicant to return to the Planning Board for approval prior to any occupancy in accordance with ZBL section 6.610.

36. The grounds surrounding the proposed 3,600 SF building shall be kept clean and in an organized manner with storage of equipment and/or materials of contractors/tenants and shall be screened from view from B Street.

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

  
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: 10/5/22

