

SPECIAL PERMIT/SPR APPROVAL
96 Webster Street
TPL #21-16

DATE: September 21, 2021

TOWN OF HANOVER
2021 SEP 23 PM 12:36
TOWN CLERK



PLANNING BOARD

TOWN OF HANOVER, MASSACHUSETTS

APPROVAL OF SPECIAL PERMIT/SITE PLAN REVIEW

LOCUS: 96 Webster Street shown as Assessors Map 5, Plot 54

ZONING: Commercial District, Telecommunication Overlay District and Medical Marijuana Overlay District

OWNER(S): 96 Webster Street LLC
C/o Paul Gallagher
690 Main Street
Norwell, MA 02061

APPLICANT(S): Same as Above

ENGINEER & SURVEYOR: Jeffrey M. Hassett, RPE #49293 – Morse Engineering, Inc.
Jason Scott, RPLS #51276 – Morse Engineering, Inc.

DRAWINGS & REPORTS: (ALL INCORPORATED HEREIN BY REFERENCE)

“Re-Development Site Plan 96 Webster Street (Assessors Map 5 Lot 54), Hanover, MA” dated 6/22/2021 revised 7/20/21, 8/20/21, 8/25/21 and 9/14/21 stamped by Jason Scott (RPLS #51276) and Jeffrey M. Hassett (RPE #49293) of Morse Engineering, Scale 1”- 20” – 1 Sheet.

Drainage Computations and Storm Water Management Package dated 7-9-21 stamped by Jeffrey M. Hassett (RPE #49293) of Morse Engineering. (63 Pages)

VOTE ON SPECIAL PERMIT/SITE PLAN REVIEW: Kenneth Blanchard **MOTION** to vote Approval of 96 Webster Street, subject to conditions, seconded by Bernie Campbell.

VOTE: (Y) MaryAnn Brugnoli (Y) Kenneth Blanchard (A) 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.

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 6.220 (L), 6.410 (F), 7.00, and 10.000, that the Town of Hanover Planning Board held a Public Hearing on Monday, August 23, 2021 at 7:00 p.m. via Hybrid 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 95 Webster Street LLC for a proposed two story professional office building, 96 Webster Street, Hanover, MA 02339. The original public hearing was mutually continued to Monday, September 20, 2021.

The applicant requests a Special Permit and Site Plan Review under Zoning Bylaw Sections 6.100, 6.220 (L), 6.410 (F), 7.00, and 10.000, to raze an existing nonconforming structure and rebuild a new two story 2,302 GSF building to be used as a professional office building with a new 10-space parking lot, new Title V system, drainage and other related site improvements at 96 Webster Street. The existing lot (16,093 SF) is non-conforming lot as to the existing lot area, existing frontage and the new proposed structure will have a 15.8' front yard setback an improvement from the existing but not compliant with Commercial Zoning that requires 75' LF. The Public Hearing notice was advertised in the Hanover Mariner on August 4 & 11, 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 a two story-Professional Office Building 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 6.200 (Commercial District) – The Planning Board found that the premises of the proposed two-story office building is located within a Commercial District. The proposed use is allowed by Special Permit under 6.400 (F) – Special Permit for uses in Limited Industrial District.

Section 6.400 (Limited Industrial Districts-LID) – In a Commercial zone, Section 6.220 (L) any use permitted in a LID can apply for a Special Permit. Section 6.410 (F) for a professional office reverts back to Section 6.405 that describes only single story are by right and two story professional office buildings require a Special Permit. The Planning Board found that the proposal was subject to a Special Permit given the proposed structure is a two story office building.

Section 7.00 (Density and Dimensional Requirements) – The existing lot being located in a Commercial District is deficient of the required lot size (existing lot 16,093 SF = required 44,000 SF) and the existing frontage (existing 147.61' LF = required 200' LF) both of these situations are pre-existing conditions of the lot not the structure. The Planning Board found these two non-conformities could not be brought into compliance since no additional land area could be added to the lot. The applicant did improve, with the new proposed structure, two building setbacks however these improvements still do not meet the Commercial required setbacks; the new structure's front yard setback is improved from 7.7' LF to 15.8' LF still not compliant. The Planning Board found this to be an enhancement to what exists on the property today. Other setbacks along with building & lot coverage will now meet the Commercial district requirements. The Planning Board found the applicant made a significant improvement by going vertical and decreasing the new building footprint. Under the new reduced footprint the zoning setbacks became more compliant, while also proposing a new Title V system and protection to the adjacent wetlands approvals for both the Board of Health and Conservation Commission jurisdictions. The Conservation Commission had issued an Order of Conditions (SE 31-1233).

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. The existing site had become non-compliant and a public health and safety issue that the Building Department had directed the prior owner to address. Under this new proposal, the proponents have provided off-street parking, Title V improvements, landscaping and improved drainage on the site. Morse Engineering provided storm water calculations and has worked with the Conservation Commission to design a system that will address the quantity and quality of run-off that is beneficial to the wetlands on the site. The proponents have also provided improved off street parking with handicap parking and access to the new building compliant with the Americans Disabilities Act (ADA). In addition the existing sheds on the property are to be removed and a small enclosure at the rear of the proposed structure will provide storage for

refuse containers. The Planning Board found that the proponents have proposed substantial improvements to the lot and the architectural character of the new proposed structure is a major upgrade to what exists on the site now and will complement the general neighborhood.


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, Paul Gallagher as representatives of/for 96 Webster Street, LLC on this date, September 23rd 2021 do hereby certify that I (We) have completely read and do fully understand all General AND Special Conditions of Planning Board Decision, TPL #21-16, dated September 20 2021, relative to the proposed construction of a two story professional office building at 96 Wester 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 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 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 #27) 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 #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 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 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
26. 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.

27. As the tree clearing is performed, the contractor shall 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.
28. During construction the Applicant and General Contractor shall keep the site in a relatively clean manner, if material is tracked along Webster 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.
29. During Construction, the property owner shall obtain off-street parking permission in the vicinity where the contractor and/or subcontractor's employees can park. Construction parking on Webster Street is prohibited. The loading/unloading of equipment and supplies shall be accomplished as quickly as possible on Webster Street – no long term parking of trailers shall occur on Webster Street. Should parking and deliveries become necessary the applicant will have to obtain a police detail to assure no interference with the approaches to and operation of the traffic signal on Washington Street/Route 53.
30. Any work within the Webster Street layout including utility connections and curbing may require a street opening permit from the Hanover Department of Public Works, the applicant shall consult with the DPW prior to any work.
31. The Applicants proposal of new construction and site amenities (i.e.: parking area and walks) had estimated lot coverage of 52.1%. 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.
32. 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 residence at #104 Webster 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.

SPECIAL PERMIT/SPR APPROVAL
96 Webster Street
TPL #21-16

DATE: September 21, 2021

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: _____