

Commonwealth of Massachusetts

## Town of Hanover

### Warrant for **Annual** Town Meeting

Plymouth, SS

Greetings: To any Constable of the Town of Hanover in said County.

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town who are qualified to vote in Elections and Town Affairs to meet in the HANOVER HIGH SCHOOL, 287 Cedar Street

**MONDAY THE 1<sup>st</sup> DAY OF MAY, 2023 AT 7:30 P.M.**

**Special Town Meeting at 7:00pm**

**Annual Town Meeting at 7:30pm**



*Pursuant to the Americans with Disabilities Act, the Town will make every effort to assure that Town Meeting is accessible to individuals with disabilities. Should any assistance be desired in this regard, please contact the Hanover Select Board's Office at (781) 826-5000 ext. 1084.*

## INDEX OF POTENTIAL/CONCEPTUAL ARTICLES FOR ANNUAL TOWN MEETING – 2023

	ISSUE	SUBMITTED BY
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2	Hear/Accept Reports of Committees & State Officials	Advisory Committee
3	Authorize Treasurer to Accept Trust Funds	Director of Finance
4	Assume Liability to Allow State DEP Work	Hanover Select Board
5	Set Pay for Elected Official – Town Moderator	Advisory Committee
6	Set Pay for Elected Official - Town Clerk	Advisory Committee
7	Appropriate Funds – Community Preservation Revenues	Community Preservation Committee
8	General Fund Operating Budget	Town Manager/Director of Finance
9	Water Enterprise Budget	Town Manager/Director of Public Works/ Director of Finance/Hanover Select Board
10	Appropriate Funds – Cedar School Security (\$700,000 Debt)	School Committee/School Superintendent/ Director of Public Works
11	Appropriate Funds – SPED Reserve (\$750,000 Free Cash)	School Superintendent
12	PEG Access & Cable Related Fund (\$475,000 PEG Receipts Reserved Fund)	Town Manager/Director of Finance/ Director of Community Services
13	Set Limits On Revolving Funds	Town Manager/Director of Finance
14	Amend General Bylaws – §4-14 to Create the Position of Deputy Police Chief	Police Chief/Town Manager
15	Authorize Select Board to Purchase Property Adjacent to Pond Street Wells	Hanover Select Board/Town Manager
16	Appropriate Funds – Funding for Town Costs Required to Run Winterfest and Hanover Day (\$50,000 Free Cash)	Town Manager
17	Appropriate Funds – HFD Cardiac Monitors (\$200,000 Free Cash)	Fire Chief/Town Manager
18	Appropriate Funds – HFD Command Vehicle (\$80,000 Free Cash)	Fire Chief/Town Manager
19	Appropriate Funds – HPD Cruisers x 2 (\$150,000 Free Cash)	Police Chief/Town Manager
20	Rescind Borrowing Authorization Under Article 20 of the 2021 Annual Town Meeting	Town Manager
21	Municipal Aggregation Program	Town Manager/ Hanover Select Board
22	Amend South Shore Regional Vocational School District Agreement	South Shore Regional Vocational School District Committee
23	Accept Chapter 90 Road Grant Monies	Hanover Select Board/Town Manager/ Director of Public Works

# INDEX OF POTENTIAL/CONCEPTUAL ARTICLES FOR ANNUAL TOWN MEETING – 2023

	ISSUE	SUBMITTED BY
24	Appropriate Funds – Three (3) DPW Vehicles and Vehicle Lift (\$540,000 Free Cash)	Director of Public Works
25	Appropriate Funds – Middle School Water Main (\$500,000 Debt)	Director of Public Works
26	Appropriate Funds – Air Stripper Replacement (\$350,000 Debt)	Director of Public Works
27	Appropriate Funds – King Street Water Main (\$875,000 Debt)	Director of Public Works
28	Street Acceptance – Wood Hollow Way	Director of Public Works
29	Appropriate CPC Funds – Affordable Housing Trust	Community Preservation Committee/Affordable Housing Trust
30	Appropriate CPC Funds – Forge Pond Park Lighting Project	Community Preservation Committee/Parks and Recreation Committee/Hanover Youth Athletic Association
31	Appropriate CPC Funds – Historical Society Library & Archives Preservation Materials	Community Preservation Committee/Hanover Historical Society
32	Appropriate CPC Funds – Stetson House Gardens & Grounds Restoration	Community Preservation Committee/Hanover Historical Society
33	Appropriate CPC Funds – Stetson House Lower Barn Stone Wall Restoration	Community Preservation Committee/Hanover Historical Society
34	Appropriate CPC Funds – Weights & Measures Cabinet Restoration	Community Preservation Committee/Historical Commission
35	Petition Article to Petition General Court – Date for Issuing Licenses	Petition
36	Amend Zoning Bylaws Section 2.100 Definitions	Planning Board
37	Amend Zoning Bylaws Section 5.040 Grandfathered Project Approvals	Planning Board
38	Amend Zoning Bylaws Section 13.200 Limitations on Variance or Special Permit Grants	Planning Board
39	Petition Article to Prohibit Digital Message Boards, Internally Illuminated and Moving Signs	Petition
40	Revised Petition Article to Prohibit Digital Message Boards, Flashing and Moving Signs	Petition
41	Amend Sign Bylaws Article 5 Delete Language under Section 5.1.1	Planning Board
42	Amend Zoning Bylaws Insert New Section 5.900 Permit for Digital Message Boards	Planning Board
43	Amend Zoning Bylaws – Section 6.100(G) Accessory Building and Uses	Planning Board

# INDEX OF POTENTIAL/CONCEPTUAL ARTICLES FOR ANNUAL TOWN MEETING – 2023

	ISSUE	SUBMITTED BY
44	Amend Zoning Bylaws – Section 5.300 Accessory Structures	Planning Board
45	Amend Zoning Bylaws - Section 6 Use Regulations	Planning Board
46	Amend Zoning Bylaws – Section 9.010 Minimum Parking Requirements	Planning Board
47	Amend Planning Office Fees	Planning Board
48	Appropriate Funds – E-Code Software (\$18,000 Free Cash)	CDMI Director/Planning Board
49	Correct Spelling of Luddam’s Ford Park to Ludden’s Ford Park	Hanover Historical Commission/Hanover Historical Society/Hanover Conservation Commission/ Pembroke Historical Society /Pembroke Conservation Commission/ Weymouth Historical Society
50	General Bylaws – Amendments to §6-14 Wetlands Protection	Hanover Conservation Commission/ Hanover Conservation Agent/ CDMI Director
51	General Bylaws – Amendments to §4-12 Conservation Commission	Conservation Commission
52	Petition Article to Transfer of Town Owned Land, (611 Webster Street), to the Conservation Commission to be Held for Conservation, Passive Recreation and or Historic Preservation Purposes In Perpetuity	Petition
	Election	

## ARTICLES FOR ANNUAL TOWN MEETING WARRANT

Monday, May 1<sup>st</sup>, 2023

### **ARTICLE 1. ACCEPT REPORTS IN ANNUAL TOWN REPORT**

To see if the Town will vote to accept the reports of the Officers and Committees as printed in the Annual Town Report, or take any other action relative thereto.

Advisory Committee

### **ARTICLE 2. HEAR/ACCEPT REPORTS OF COMMITTEES & STATE OFFICIALS**

To see if the Town will vote to hear reports of the Committees and State Officials and act thereon, or take any other action relative thereto.

Advisory Committee

### **ARTICLE 3. AUTHORIZE TREASURER TO ACCEPT TRUST FUNDS**

To see if the Town will vote to authorize its Treasurer to accept such trust funds as may be placed in his or her hands during the Fiscal Year ending June 30, 2023, or take any other action relative thereto.

Director of Finance

### **ARTICLE 4. ASSUME LIABILITY TO ALLOW STATE DEP WORK**

To see if the Town will vote to assume liability in the manner provided by Section 29 and 29A of Chapter 91 of the Massachusetts General Laws, as most recently amended, for all damages that may be incurred by work to be performed by the Department of Environmental Protection, or take any other action relative thereto.

Hanover Select Board

### **ARTICLE 5. SET PAY FOR ELECTED OFFICIAL – TOWN MODERATOR**

To see if the Town will vote to fix the pay of its elective officer as required by law as follows, or take any other action relative thereto.

Moderator:       \$100 for Annual Town Meeting  
                      \$100 for Special Town Meeting

Advisory Committee

## **ARTICLE 6. SET PAY FOR ELECTED OFFICIAL – TOWN CLERK**

To see if the Town will vote to fix the pay of its elective officer as required by law as follows, or take any other action relative thereto.

Town Clerk: \$\_\_\_\_\_ annually

Advisory Committee

## **ARTICLE 7. APPROPRIATE FUNDS – COMMUNITY PRESERVATION REVENUES**

To see if the Town will vote as recommended by the Community Preservation Committee to appropriate the Town's Community Preservation Revenues for Fiscal Year 2024 as follows:

- I. 10% of the said revenues to be set aside for future appropriation for open space (other than open space for recreational use);
- II. 10% of the said revenues to be set aside for future appropriation for historic resources;
- III. 10% of the said revenues to be set aside for future appropriation for community housing;
- IV. 5% of the said revenues to be set aside for administrative expenses; and
- V. The remainder of said revenues to be set aside for future appropriation for any purposes permissible under the Community Preservation Act, Chapter 44B.

Said funds are to be expended for the purposes stated herein within the scope proposed and approved by the Community Preservation Committee and for the purposes approved by this Town Meeting, by the Town Manager, or take any other action relative thereto.

Community Preservation Committee

## **ARTICLE 8. GENERAL FUND OPERATING BUDGET**

To see if the Town will vote to appropriate \$70,408,748 for a General Fund Operating Budget, to provide for a reserve fund, and to defray the expenses of the Town, and to meet said appropriation transfer the sum of \$1,791,303 from Certified Free Cash, transfer the sum of \$65,000 from the Cemetery Graves & Foundations account, transfer the sum of \$40,000 from the Sale of Cemetery Lots account, transfer the sum of \$26,530 from the Title V Receipts Reserved account, transfer the sum of \$1,200,000 from the Ambulance Receipts Reserved account, transfer the sum of \$5,000 from the Wetlands Receipts Reserved account, and raise \$67,280,915 from the Fiscal Year 2024 Tax Levy and other sources, or take any other action relative thereto.

	<i><b>FY2023 Appropriated</b></i>	<i><b>FY2024 Requested</b></i>	<i><b>\$ Change</b></i>	<i><b>% Change</b></i>
<b>General Government:</b>				
Salaries	\$271,538.00	\$272,843.00	\$1,305.00	0.48%
Expenses	\$167,400.00	\$165,922.00	\$(1,478.00)	-0.88%
<b>Finance Department:</b>				
Salaries	\$837,381.00	\$860,723.00	\$23,342.00	2.79%

Expenses	\$219,672.00	\$209,870.00	\$(9,802.00)	-4.46%
<b>Community Development and Municipal inspections:</b>				
Salaries	\$606,275.00	\$624,463.00	\$18,188.00	3.00%
Expenses	\$32,800.00	\$28,800.00	\$(4,000.00)	-12.20%
<b>Community Services:</b>				
Salaries	\$269,819.00	\$121,816.00	\$(148,003.00)	-54.85%
Expenses	\$204,980.00	\$210,664.00	\$5,684.00	2.77%
<b>Library:</b>				
Salaries	\$474,236.00	\$491,776.00	\$17,540.00	3.70%
Expenses	\$148,500.00	\$142,960.00	\$(5,540.00)	-3.73%
<b>Police:</b>				
Salaries	\$4,065,776.00	\$4,135,932.00	\$70,156.00	1.73%
Expenses	\$259,923.00	\$269,767.00	\$9,844.00	3.79%
<b>Fire:</b>				
Salaries	\$3,661,219.00	\$3,920,759.00	\$259,540.00	7.09%
Expenses	\$276,358.00	\$265,682.00	\$(10,676.00)	-3.86%
<b>Hanover Public Schools</b>	\$33,571,915.00	35,031,299.00	\$1,459,384.00	4.35%
<b>South Shore Vocational High School</b>	\$1,054,852.00	\$1,054,852.00	\$-	0.00%
<b>Public Works:</b>				
Salaries	\$3,753,225.00	\$3,873,035.00	\$119,810.00	3.19%
Expenses	\$3,464,022.00	\$3,497,731.00	\$33,709.00	0.97%
<b>Snow &amp; Ice</b>	\$500,000.00	\$500,000.00	\$-	0
<b>Debt</b>	\$4,328,274.00	\$4,248,170.00	\$(80,104.00)	-1.85%
<b>Town Wide Expenses</b>	\$9,725,140.00	\$10,356,684.00	\$631,544.00	6.49%
<b>Transfers</b>	\$125,000.00	\$125,000.00	\$-	0.00%
<b>Total General Fund Operating Budget</b>	\$68,018,305.00	\$70,408,748.00	\$2,390,443.00	3.51%
Certified Free Cash	2,388,681.00	1,791,303	\$(597,378))	-25.01%
Cemetery Graves & Foundations	65,000.00	65,000.00	\$-	0.00%
Sale of Cemetery Lots	10,000.00	40,000.00	\$30,000.00	300.00%
Title V Receipts Reserved Account	26,530.00	26,530.00	\$-	0.00%

Ambulance Receipts Reserved Account	1,200,000.00	1,200,000.00	\$-	0.00%
Wetlands Receipts Reserved Accounts	5,000.00	5,000.00	\$-	0.00%
Less Total Transfers	3,695,211.00	3,127,833	\$(567,378)	-15.35%
<b>To be raised by the Fiscal Year 2024 Tax Levy and other sources</b>	\$64,323,094.00	\$67,280,915	\$2,957,821	4.60%

Town Manager  
Director of Finance

#### **ARTICLE 9. WATER ENTERPRISE BUDGET**

To see if the Town will vote to appropriate \$4,571,595 from Water Enterprise receipts to defray Water Enterprise direct costs and that \$463,395 as appropriated in the General Fund Operating Budget be used for Water indirect costs, all to fund the total cost of operations of the Water Enterprise as follows, or take any other action relative thereto.

Personnel Services	\$1,849,218.00
Other Expenses	\$1,842,369.00
Debt Service	\$880,008.00
<b>Appropriate for Direct Costs</b>	<b>\$4,571,595.00</b>
Indirect - Reimburse General Fund for Shared Expenses	\$463,395.00
<b>Total Cost - Water Enterprise</b>	<b>\$5,034,990.00</b>

Town Manager  
Director of Public Works  
Director of Finance  
Hanover Select Board



**ARTICLE 10. APPROPRIATE FUNDS – CEDAR SCHOOL SECURITY**

To see if the Town will vote to raise and appropriate, appropriate from available funds, and/or borrow in accordance with Chapter 44 of the Massachusetts General Laws the sum of \$700,000, or another sum, to improve interior and exterior security of the Cedar School, including but not limited to reconstructing the vestibule and administrative offices, improving the perimeter approach, enhancements to interior and exterior security, and other related work, or take any other action relative thereto.

School Committee  
School Superintendent  
DPW Director

**ARTICLE 11. APPROPRIATE FUNDS – SPED RESERVE**

To see if the Town will vote to raise and appropriate, appropriate from available funds and/or borrow in accordance with Chapter 44 of the Massachusetts General Laws the sum of up to \$750,000 or another sum for the Special Education Reserve Fund, or take any other action relative thereto.

School Superintendent

**ARTICLE 12. PEG ACCESS & CABLE RELATED FUND**

To see if the Town will vote to appropriate the sum of \$475,000 to the PEG Access & Cable Related Fund for the purpose of monitoring compliance of the Town's cable operator with the franchise agreement, preparing for renewal of the franchise license, and providing local cable access services and programming for the Town of Hanover in Fiscal Year 2024, or take any other action relative thereto.

Town Manager  
Director of Finance  
Director of Community Services

**ARTICLE 13. SET LIMITS ON REVOLVING FUNDS**

To see if the Town will vote to set limits on the Revolving Funds set forth in Section 6-31 of the Town of Hanover General By-Laws in accordance with Massachusetts General Laws Chapter 44, §53E1/2 as follows, or take any other action relative thereto.

Revolving Fund	Limit on Spending
Library	\$15,000
Recreation Fund	\$50,000
GATRA	\$160,000

Forge Pond Park	\$45,000
Council on Aging	\$50,000
Public Health Clinic	\$140,000
Public Safety Vehicles	\$250,000

Town Manager  
Director of Finance

**ARTICLE 14. AMEND GENERAL BYLAWS §4-14 – POLICE CHIEF / DEPUTY POLICE CHIEF**

To see if the Town will vote to amend the Town’s General Bylaws §4-14, to create the non-civil service position of Deputy Police Chief, or take any other action relative thereto.

Police Chief  
Town Manager

**ARTICLE 15. AUTHORIZE SELECT BOARD TO PURCHASE PROPERTY ADJACENT TO POND STREET WELLS**

To see if the Town will vote to authorize the Select Board to purchase parcel 30-12 Washington Street, (Route 53), adjacent to the Pond Street Wells, or take any other action relative thereto.

Select Board  
Town Manager

**ARTICLE 16. APPROPRIATE FUNDS – TOWN EVENT FUNDING – WINTERFEST AND HANOVER DAY**

To see if the Town will vote to raise and appropriate, appropriate from available funds and/or borrow in accordance with Chapter 44 of the Massachusetts General Laws the sum of \$50,000, or another sum, to fund Town of Hanover costs required to run Winterfest and Hanover Day, or take any other action relative thereto.

Town Manager

**ARTICLE 17. APPROPRIATE FUNDS – HANOVER FIRE DEPARTMENT CARDIAC MONITORS**

To see if the Town will vote to raise and appropriate, appropriate from available funds and/or borrow in accordance with Chapter 44 of the Massachusetts General Laws the sum of up to \$200,000 or another sum for the purchase, installation, training, and associated supplies of Hanover Fire Department Cardiac Monitors and other associated advanced equipment, or take any other action relative thereto.

Fire Chief  
Town Manager

**ARTICLE 18. APPROPRIATE FUNDS – HANOVER FIRE DEPARTMENT COMMAND VEHICLE**

To see if the Town will vote to raise and appropriate, appropriate from available funds and/or borrow in accordance with Chapter 44 of the Massachusetts General Laws the sum of up to \$80,000 or another sum to purchase and equip a Hanover Fire Department Command Vehicle, or take any other action relative thereto.

Fire Chief  
Town Manager

**ARTICLE 19. APPROPRIATE FUNDS – TWO (2) HANOVER POLICE DEPARTMENT CRUISERS**

To see if the Town will vote to raise and appropriate, appropriate from available funds and/or borrow in accordance with Chapter 44 of the Massachusetts General Laws the sum of up to \$150,000 or another sum to purchase and equip two (2) Hanover Police Department Cruisers, or take any other action relative thereto.

Police Chief  
Town Manager

**ARTICLE 20. RESCIND BORROWING AUTHORIZATION UNDER ARTICLE 20 OF THE 2021 ANNUAL TOWN MEETING**

To see if the Town will vote to rescind the borrowing authorized under Article 20 of the 2021 Annual Town Meeting, to design, permit, and make “shovel ready” a new fire station located on Webster Street, or take any other action relative thereto.

Town Manager

## **ARTICLE 21. MUNICIPAL AGGREGATION PROGRAM**

To see if the Town will vote to grant the Select Board authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents, businesses and local government entities in the Town of Hanover and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation, or take any other action relative thereto.

Town Manager  
Select Board

## **ARTICLE 22. AMEND SOUTH SHORE REGIONAL VOCATIONAL SCHOOL DISTRICT AGREEMENT**

To see if the Town will vote to approve the amended South Shore Regional Vocational School District Agreement which is on file in the Town Clerk's Office, copy below, or take any other action in relation thereto.

### **Agreement Among the Towns of Abington, Cohasset, Hanover, Hanson, *Marshfield*, Norwell, Rockland, Scituate and Whitman, Massachusetts with Respect to the Establishment of a Vocational Regional High School District**

This Regional Agreement is entered into pursuant to Chapter 71 of *Massachusetts General Laws (MGL)*, as amended, by and among the Towns of Abington, Cohasset, Hanover, Hanson, *Marshfield*, Norwell, Rockland, Scituate, and Whitman (hereinafter sometimes known as "member towns"). The District shall be called the South Shore Regional Vocational School District (hereinafter sometimes known as the "District").

*This revised agreement replaces the previous agreement approved in 2018 and all other agreements or amendments.*

In consideration of the mutual promises herein contained, it is hereby agreed as follows:

### **SECTION I – THE REGIONAL VOCATIONAL DISTRICT SCHOOL COMMITTEE**

#### **(A) Composition**

The District School Committee (hereinafter sometimes known as the "Committee") shall consist of one member from each member town each with one vote. Each member shall be appointed by *the respective Select Board in each member town.*

#### **(B) Appointed Members**

Not later than June 15 in each year in which the term of a member of the Committee expires, the *Select Board* of the member town concerned shall appoint one member to serve for a term of three years. The term of each such appointed member shall commence on July 1 of the year in which he or she is appointed.

#### **(C) Vacancies**

If a vacancy occurs among the members of the Committee, the *Select Board* of the member town concerned shall appoint a member to serve for the balance of the unexpired term.

#### **(D) Organization**

At the first scheduled meeting after July 1, the Committee shall organize and choose by ballot a chair and a vice chair from among its own membership. At the same meeting, or at any other meeting, the Committee shall appoint a treasurer and secretary, who may be

the same person but who need not be members of the Committee, choose such other officers as it deems advisable, determine the terms of office of its officers (except the chair *and vice-chair* who shall be elected annually) and prescribe the powers and duties of any of its officers, fix the time and place for its regular meetings, and provide for the calling of special meetings.

**(E) Powers and Duties**

The Committee shall have all the powers and duties conferred and imposed upon it by this Agreement and such other additional powers and duties as are specified in Sections 16 to 16I, inclusive, of *MGL* Chapter 71 and any amendments thereof or additions thereto now or hereafter enacted, or as may be specified in any other applicable general or special law. In the event that provisions conflict with any *MGL*, the MGL shall prevail.

**(F) Quorum**

Unless otherwise specified by law, the quorum for the transaction of business shall be a majority of the Committee, but a number less than the majority may adjourn.

**SECTION II – LOCATION OF REGIONAL DISTRICT SCHOOL**

The District School (South Shore Regional Vocational Technical High School) shall be located in the Town of Hanover, or any other member town, provided, however, that the Committee may establish and locate satellite facilities in any member town.

**SECTION III – TYPE OF REGIONAL DISTRICT SCHOOL**

The District School shall be a Vocational High School consisting of grades nine through twelve (9 – 12), inclusive. The Committee is hereby authorized to establish and maintain such kinds of education as may be provided by towns under provisions of *MGL* Chapter 74 and acts amendatory thereof, in addition thereto or dependent thereon. The Committee may also provide self funding programs beyond the secondary level, either alone or in cooperation with other institutions in accordance with the provisions of MGL Chapter 74, Section 37A, as amended.

**SECTION IV – BUDGET**

**(A) Budget**

The Committee shall annually determine the District's budget consistent with the timelines, terms and requirements of MGL Chapter 71, Section 16B, as amended, and other pertinent provisions of law and consistent with regulations promulgated by the Department of Elementary and Secondary Education (hereinafter sometimes known as "DESE").

**(B) Public Budget Hearing and Budget Approval**

After conducting a public hearing consistent with MGL Chapter 71, Section 38N, as amended, the Committee by a minimum two-thirds (2/3) vote of all its members, shall annually approve an operating budget for the next fiscal year to maintain and operate the District during the next fiscal year. After deducting the amount of aid the District is to receive, the balance shall be apportioned among the several member towns in accordance with Section V.

The budget will be itemized in such detail as the Committee may deem advisable. Such budget shall be adopted not later than forty-five (45) days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but in no event later than March 31, provided that said budget need not be adopted earlier than February 1. The amounts so apportioned for each member town shall be certified by the District treasurer to the treasurers of the member towns within thirty (30) days from the date on which the annual operating budget is adopted by the Committee. *The Annual Budget, as adopted by a minimum two-thirds (2/3) vote of the Committee's membership,*

*shall then* require the approval of two-thirds (2/3) of the local appropriating authorities of the member towns. If the Annual Budget is not so approved, the Annual Budget shall be established in accordance with the procedures in MGL Chapter 71, Section 16B.

## **SECTION V – APPORTIONMENT AND PAYMENT OF COSTS INCURRED BY THE DISTRICT**

### **(A) Classification of Costs**

For the purpose of apportioning assessments by the District to the member towns, costs shall be divided into **four (4)** categories: operating costs, capital costs, debt, and transportation costs. The Committee shall determine the amount necessary to meet the annual operating, capital, debt, and transportation *costs* and shall allocate such amount among the member towns.

### **(B) Operating Costs**

(1) Operating costs shall include all costs not included in capital, debt, and transportation costs as defined in Sections V (C), (D), and (E), but shall include interest on temporary notes issued by the District in anticipation of revenue.

#### *(2) Apportionment of Operating Costs*

a. The total operating costs assessed to each member town will consist of:

1. its Minimum Local Contribution,
2. its share of any additional Net School Spending (NSS) costs as defined in MGL Chapter 70, as amended, referred to in this section as its “Above Minimum Contribution”, and
3. its share of any non-NSS costs.

b. The aggregate Above Minimum Contribution is arrived at by subtracting from the Net School Spending Operating Budget the following: *MGL* Chapter 70 aid, the Minimum Required Combined Local Contributions of all member towns, and other general revenue sources to the District.

This formula is illustrated below:

*Net School Spending Operating **Costs** (which excludes capital, debt and transportation)*

- *Chapter 70 aid (as calculated by DESE)*
- *Minimum Required Combined Local Contributions of all member towns (as calculated by DESE)*
- *Other general revenue sources to the District*
- = *Total Above Minimum Contribution for all member towns*

b. *Each member town’s proportionate share of the aggregate Above Minimum Contribution and non-NSS operating costs shall be determined based on the number of pupils in grades nine through twelve (9 – 12), inclusive, residing in each member town and receiving education in the South Shore Regional Vocational School District at such town’s expense, as reported to the Department of Elementary and Secondary Education (DESE) in the District’s previous October 1st Student Information Management System (SIMS) enrollment submission.*

**(C) Capital Costs**

(1) Capital costs shall include all expenses described in DESE's Chart of Accounts in the 7000-function code.

**(2) Apportionment of Capital Costs**

Capital costs will be apportioned for the ensuing fiscal year as follows:

Each member town's share of the capital costs shall be determined by *computing the ratio which the sum of its October 1<sup>st</sup> SIMS enrollments of the three fiscal years immediately preceding the year in which the Committee votes to include capital cost in the budget bears to the sum of the October 1<sup>st</sup> SIMS enrollments of all the member towns of the same three fiscal years. For the* purpose of this clause, pupil enrollments shall be defined as the number of pupils in grades nine through twelve (9 – 12), inclusive, residing in each member town and receiving education in the District at such town's expense.

**(D) Debt**

(1) Debt shall include the payment of principal of and interest on bonds, notes or other obligations of the District to finance such debt.

(2) Each member town's share of the debt incurred, including the payment of principal of and interest on bonds, notes or other obligations of the District to finance such debt, shall be determined by computing the ratio *which the sum of October 1<sup>st</sup> SIMS enrollments in the District on October 1 of the three fiscal years immediately preceding the year in which the member towns vote to authorize the incurring of the debt bears to the sum of the October 1<sup>st</sup> SIMS enrollments of all the member towns in the District on October 1 of the same three fiscal years, and the ratio shall not be changed during the period in which such bonds, notes or other obligations are outstanding, except as provided in Section VIII.*

For the purpose of this clause, pupil enrollments shall be defined as the number of pupils in grades nine through twelve (9 – 12), inclusive, residing in each member town and receiving education in the District at such town's expense.

**(3) Admission of the Town of Marshfield into the District**

a. *Marshfield will contribute a 17.95 % share of \$2,184,851, which represents the anticipated balance in the South Shore Regional Vocational School District stabilization fund as of July 1, 2022. The total amount of Marshfield's share will be \$392,181. Marshfield will make annual payments over 10 (ten) years, starting no later than June 30th of the first fiscal year of their admission to the district. The annual payment amount will be \$39,218.10. Accelerated payments will be permitted at the discretion of the town of Marshfield.*

b. **Debt:** *Notwithstanding any existing regional agreement language on debt, the following would apply to Marshfield's admission into the district:*

*1. In its first fiscal year of membership Marshfield will not be assessed any debt service.*

*2. If there is new or existing authorized debt to be paid during Marshfield's second, third, fourth and fifth fiscal years of membership its debt share will adjust with each fiscal year based on its school*

*enrollment as of the most recent October 1st report, divided by the total in-district school enrollment that year.*

*3. If there is new or existing authorized debt to be paid during Marshfield's sixth fiscal year, its debt share will be fixed for the duration of the debt based on its October 1, 2028 enrollment report, divided by the total in-district school enrollment that year.*

*4. If there is any new authorized debt to be paid during Marshfield's seventh fiscal year of membership that was not fixed previously in #3 above, its debt share will be fixed based on its school enrollment as of the most recent October 1st report, divided by the total in-district school enrollment that year.*

*5. If there is any new authorized debt to be paid during Marshfield's eighth fiscal year of membership and beyond that was not fixed previously in #4 above, its debt share shall follow the regional agreement language in Section V.D. which is the same "three fiscal year look back" process for all district towns.*

**(E) Transportation**

School transportation shall be provided by the District *and each member town's share shall be apportioned in the same manner as operating costs. The aggregate transportation cost shall be decreased by anticipated regional transportation reimbursement prior to apportioning the costs to the member towns. Each member town's proportionate share of pupil transportation shall be determined based on* the number of pupils in grades nine through twelve (9 – 12), inclusive, residing in each member town and receiving education in the District at such town's expense, *as reported to DESE in the District's previous October 1st SIMS enrollment submission.*

**(F) Times of Payment of Apportioned Costs**

(1) The Total Assessment to a member town will *include its share of the Operating, Transportation, Capital and Debt costs.*

(2) Each member town shall pay to the District in each year its proportionate share, certified as provided in subsection V (B), (C), (D) and (E) of the operating, capital, debt, and transportation costs. The annual share of each member town shall be paid in equal installments not later than the first days of August, December, April and June of each fiscal year.

**SECTION VI – INCURRING OF DEBT**

Not later than seven days after the date on which the Committee authorizes the incurring of debt, other than temporary debt in anticipation of revenue to be received from member towns, written notice of the date of said authorization, the sum authorized, and the general purpose or purposes for authorizing such debt shall be given to the *Select Board* in each member town.

The Committee may vote to incur debt consistent with the terms and conditions of MGL Chapter 71, Section 16 (d) paragraph 1, Chapter 71, Section 16 (d) paragraph 2, or Chapter 71, Section 16 (n), as amended.

*At the time of taking action to incur debt, and except for the incurring of temporary debt in anticipation of revenue, the Committee, by a simple majority vote, shall use Chapter 71, Section*



*16 (d) paragraph 1 as amended. The Committee, by a two-thirds (2/3) vote of all its members may choose instead to use Chapter 71, Section 16 (n) as amended, or Chapter 71, Section 16 (d) paragraph 2 as amended.*

## **SECTION VII – AMENDMENTS**

### **(A) Limitations**

This Agreement may be amended from time to time in the manner hereinafter provided, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds, notes or other obligations of the District then outstanding, or the rights of the District to procure the means for payment thereof, provided that nothing in this section shall prevent the admission of a new town or towns to the District and the reapportionment accordingly of debt of the District represented by bonds or notes of the District then outstanding and of interest thereon.

### **(B) Procedure**

Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member town (which shall be acted upon as provided in Section *IX*), may be initiated by a minimum vote of two-thirds (2/3) members of the Committee or by a separate petition from at least two-thirds (2/3) of the member towns. Such petitions shall be signed by at least one hundred (100) registered voters from each of these two-thirds (2/3) member towns. In the case of a proposal for amendment by petition, the said petition shall also contain, at the end thereof, a certification by the clerk of each member town voting as to the number of signatures in the petition which appear to be the names of registered voters (according to the most recent voting list) from that town; and the said petition shall be presented to the secretary of the Committee. In either case, the secretary of the Committee shall mail or deliver a notice in writing to the *Select Board* of each of the member towns that a proposal to amend this Agreement has been made and shall enclose a copy of such amendment (without the signatures in the case of a proposal by petition). The *Select Board* of each member town shall include in the warrant for the next annual town meeting, or a special town meeting called for the purpose, an article stating the amendment. Such amendment shall take effect upon its acceptance by a minimum of two-thirds (2/3) of the member towns, acceptance by each member town to be by a majority vote at a town meeting as aforesaid. All amendments must be approved by the Commissioner of Elementary and Secondary Education (hereinafter sometimes referred to as the “Commissioner”). An amendment involving a change in the way that the operating and/or capital *costs* are assessed may not take effect until the July 1 after a minimum of two-thirds (2/3) of the member towns and the Commissioner have approved acceptance by the previous December 31.

## **SECTION VIII – ADMISSION PROCESS FOR NEW MEMBER TOWNS TO THE DISTRICT**

**(A)** By an amendment of this Agreement adopted under and in accordance with Section VII above, any other town may be admitted to the District upon adoption as therein provided of such amendment and upon acceptance at a special or annual town meeting by a majority vote by the town seeking admission of the Agreement as so amended, acceptance by a minimum of two-thirds (2/3) of the member towns, each by majority vote, and also upon compliance with such provisions of law and regulations [for example, Code of Massachusetts Regulations; that is, *603 CMR 41.05 (6)*] as may be applicable and such terms as may be set forth in such an amendment.

**(B)** The Committee, prior to the admittance of a new member town, will have the option

establishing the amount of any *additional buy-in costs* to that new member town to be included in the District. These additional costs will be clearly articulated to the Regional Planning Committee of the potential new member town and will be made clear to voters prior to that new member town's vote on admission to the District.

- (C) A new member town may be admitted to the District as of July 1 of any fiscal year, provided that all requisite approvals for such admission, including the Commissioner's approval, shall be obtained no later than the preceding December 31.

## **SECTION IX – WITHDRAWAL PROCESS OF MEMBER TOWNS FROM THE DISTRICT**

### **(A) Vote Expressing Desire to Withdraw**

Any member town seeking to withdraw from the District shall, by majority vote at an annual or special town meeting, request the Committee to formulate an amendment to this Agreement setting forth the terms by which such town may withdraw from the District. No withdrawal will take effect on other than July 1 of a given year. The vote stated in the preceding sentence, as well as the notification to the District consistent with paragraph B below, must all occur no less than two (2) years prior to the desired date of withdrawal.

### **(B) Notice**

The clerk of the town seeking to withdraw shall, within seven (7) days of the vote, notify the Committee chair as well as the District's superintendent in writing that such town has voted to request the Committee to formulate an amendment to the Agreement (enclosing a certified copy of such vote).

Thereupon, the Committee shall formulate an amendment to the Agreement setting forth such terms of withdrawal as it deems advisable, subject to the limitation contained in Section VII (A). *The Committee shall establish a subcommittee to formulate an amendment and invite the Select Board from the requesting member town to designate representatives to said subcommittee.*

The secretary of the Committee shall mail or deliver a notice in writing to the *Select Board* of each member town that the Committee has formulated an amendment to the Agreement *reflecting* the withdrawal of a member town (enclosing a copy of such amendment). The *Select Board* of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the amendment.

### **(C) Obligations of Withdrawing Member Towns**

In addition to other terms and requirements which the Committee shall include in the amendment, the member town seeking to withdraw will be responsible for the following: (1) payment of all operating costs for which it is liable as a member of the District; (2) continuing payments beyond the time of withdrawal to the District for the member town's share of the indebtedness of the District which is outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District; (3) other liabilities incurred during all times that the town was a member of the District (e.g., OPEB – Other Post-Employment Benefits); and (4) for the costs, including legal fees, that accrue to the District as a result of the withdrawal process.

**(D) Approval of Withdrawal**

A request to withdraw shall become effective only if the amendment to the Agreement is approved by a majority vote of the *membership of the* Committee, is approved by majority vote at an annual or special town meeting in a minimum of two-thirds (2/3) of the member towns, is approved by the Commissioner, and the withdrawal can become effective no less than one full year after the completion of these requirements. *The withdrawal will be effective as of July 1 of any fiscal year, provided that all requisite approvals for such withdrawal, including the Commissioner's approval, shall be obtained no later than the preceding December 31.*

**(E) Cessation of Terms of Office of Members of Withdrawing Town**

Upon the effective date of withdrawal, the terms of office of all members serving on the Committee from the withdrawing town shall terminate and the total membership of the Committee shall be decreased accordingly.

**SECTION X – TUITION STUDENTS**

The Committee may accept for enrollment in the District pupils from towns other than the member towns on a tuition basis. Income received by the District from tuition pupils will be treated by the Committee according to MGL Chapter 71, Section 16D1/2.

**SECTION XI – ANNUAL REPORT**

The Committee shall submit in January an annual report to each of the member towns containing information to publish in the annual town reports that highlights District events and activities.

*IN WITNESS WHEREOF* this Agreement has been executed as of [                      ].

Regional Vocational School Committee Chair

[Insert Typed Name]	Signature	Date
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Town of Abington

[Insert Typed Name]	[Insert title]	Signature	Date
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Town of Cohasset

[Insert Typed Name]	[Insert title]	Signature	Date
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Town of Hanover

[Insert Typed Name]	[Insert title]	Signature	Date
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Town of Hanson

[Insert Typed Name]	[Insert title]	Signature	Date
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Town of Marshfield

[Insert Typed Name]	[Insert title]	Signature	Date
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Town of Norwell

[Insert Typed Name]	[Insert title]	Signature	Date
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Town of Rockland

[Insert Typed Name]	[Insert title]	Signature	Date
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Town of Scituate

[Insert Typed Name]	[Insert title]	Signature	Date
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Town of Whitman

[Insert Typed Name]	[Insert title]	Signature	Date
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Approved by Department of Elementary and Secondary Education Commissioner

Jeffrey C. Riley	Signature	Date
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**ARTICLE 23. ACCEPT CHAPTER 90 ROAD GRANT MONIES**

To see if the Town will vote to authorize the Hanover Select Board and the Town Manager to accept such sums of money as may be distributed by the Commonwealth of Massachusetts through the Chapter 90 highway grant program, so-called, funds to be expended by the Town Manager in accordance with the guidelines and requirements of the Massachusetts Highway Department, or take any other action relative thereto.

Hanover Select Board  
Town Manager  
Director of Public Works

**ARTICLE 24. APPROPRIATE FUNDS – THREE (3) DPW VEHICLES AND VEHICLE LIFT**

To see if the Town will vote to raise and appropriate, appropriate from available funds and/or borrow in accordance with Chapter 44 of the Massachusetts General Laws the sum of up to \$540,000, or another sum, to purchase and equip the following equipment:

Medium duty (10,000 to 16,000 pound) utility body truck with plow;

Class 2 (6,000 to 10,000 pound) pickup truck with plow;

Mid-Size Wheel Loader;

14,000 to 16,000-pound capacity vehicle maintenance lift;

Said purchase and equipping to be done at the direction of the Town Manager who is authorized to sell or make appropriate trade-ins, or take any other action relative thereto.

Director of Public Works

**ARTICLE 25. APPROPRIATE FUNDS -MIDDLE SCHOOL WATER MAIN**

To see if the Town will vote to raise and appropriate, appropriate from available funds, and/or borrow in accordance with Chapter 44 of the Massachusetts General Laws the sum of \$500,000, or another sum, for the replacement of the water main, water service, and related work at the Hanover Middle School, or take any other action relative thereto.

Director of Public Works

**ARTICLE 26. APPROPRIATE FUNDS – AIR STRIPPER REPLACEMENT**

To see if the Town will vote to raise and appropriate, appropriate from available funds, and/or borrow in accordance with Chapter 44 of the Massachusetts General Laws the sum of \$350,000, or another sum, for the replacement of the air stripper at the Beal water treatment plant, or take any other action relative thereto.

Director of Public Works

**ARTICLE 27. APPROPRIATE FUNDS – KING STREET WATER MAIN**

To see if the Town will vote to raise and appropriate, appropriate from available funds, and/or borrow in accordance with Chapter 44 of the Massachusetts General Laws the sum of \$875,000, or another sum, for the replacement of the water main, and related work on King Street from Briarwood Drive to the Hanson town line, or take any other action relative thereto.

Director of Public Works

**ARTICLE 28. STREET ACCEPTANCE – WOOD HOLLOW WAY**

To see if the Town will vote to accept as a public way the full length of Wood Hollow Way as defined on a plan titled “Stable Ridge Estates As-built Plan for 557 King Street (Assessors map 75, lot 6)”, sheets 1+2, dated 6/8/2021 and signed by Richard J Hood, Registered Professional Land Surveyor on 12/29/2022, a copy of which is on file at the offices of the Hanover Department of Public Works, or take any other action relative thereto.

Director of Public Works

**ARTICLE 29. APPROPRIATE FUNDS – AFFORDABLE HOUSING TRUST**

To see if the Town will vote, Pursuant to Massachusetts General Laws (M.G.L.) Chapter 44B (Community Preservation), and the Hanover General Bylaws, Section 4-19, to appropriate 10% of funds collected from Fiscal Year 2024 from the Community Housing Reserve Fund to be transferred to the Hanover Affordable Housing Trust to provide for the preservation of affordable housing in Hanover. Said funds to be expended within the scope approved by the Community Preservation Committee, and for the purposes approved by this Town Meeting, said funds to be expended for the purposes stated herein by the Town Manager, under the direction of the Affordable Housing Trust, or take any other action relative thereto.

Community Preservation Committee  
Affordable Housing Trust

**ARTICLE 30. APPROPRIATE FUNDS – FORGE POND PARK LIGHTING PROJECT**

To see if the Town will vote, pursuant to Massachusetts General Laws (M.G.L.) Chapter 44B (Community Preservation), and the Hanover General Bylaws, Section 4-19, to appropriate \$500,000 U.S. dollars from the Town’s Community Preservation Fund (CPF) to “provide the site work necessary to install athletic field lighting at Forge Pond Park and to enhance and increase recreational opportunities at Forge Pond Park by installing LED athletic field lighting at baseball and softball fields.” Said funds to be expended within the scope approved by the Community Preservation Committee, and for the purposes approved by this Town Meeting, said funds to be expended for the purposes stated herein by the Town Manager, under the direction of the Community Preservation Committee,” said funds to be expended within two (2) years unless extended by the Community Preservation Committee, or take any other action relative thereto.

Community Preservation Committee  
Parks and Recreation Committee  
Hanover Youth Athletic Association

**ARTICLE 31. APPROPRIATE FUNDS – HISTORICAL SOCIETY LIBRARY & ARCHIVES PRESERVATION MATERIALS**

To see if the Town will vote, pursuant to Massachusetts General Laws (M.G.L.) Chapter 44B (Community Preservation), and the Hanover General Bylaws, Section 4-19, to appropriate \$5,000 U.S. dollars from the Town's Community Preservation Fund (CPF) to "purchase materials for the preservation of the Library and Archives collection." Said funds to be expended within the scope approved by the Community Preservation Committee, and for the purposes approved by this Town Meeting, said funds to be expended for the purposes stated herein by the Town Manager, under the direction of the Community Preservation Committee," said funds to be expended within two (2) years unless extended by the Community Preservation Committee, or take any other action relative thereto.

Community Preservation Committee  
Hanover Historical Society

**ARTICLE 32. APPROPRIATE FUNDS – STETSON HOUSE GARDENS & GROUNDS RESTORATION**

To see if the Town will vote, pursuant to Massachusetts General Laws (M.G.L.) Chapter 44B (Community Preservation), and the Hanover General Bylaws, Section 4-19, to appropriate \$7,500 U.S. dollars from the Town's Community Preservation Fund (CPF) to restore, repair, professionally maintain and design the Stetson House gardens, grounds and fencing. Said funds to be expended within the scope approved by the Community Preservation Committee, and for the purposes approved by this Town Meeting, said funds to be expended for the purposes stated herein by the Town Manager, under the direction of the Community Preservation Committee," said funds to be expended within two (2) years unless extended by the Community Preservation Committee, or take any other action relative thereto.

Community Preservation Committee  
Hanover Historical Society

**ARTICLE 33. APPROPRIATE FUNDS – STETSON HOUSE LOWER BARN STONE WALL RESTORATION**

To see if the Town will vote, pursuant to Massachusetts General Laws (M.G.L.) Chapter 44B (Community Preservation), and the Hanover General Bylaws, Section 4-19, to appropriate \$9,500 U.S. dollars from the Town's Community Preservation Fund (CPF) to "restore and repair the Stetson House Lower Barn stone wall." Said funds to be expended within the scope approved by the Community Preservation Committee, and for the purposes approved by this Town Meeting, said funds to be expended for the purposes stated herein by the Town Manager, under the direction of the Community Preservation Committee," said funds to be expended within two (2) years unless extended by the Community Preservation Committee, or take any other action relative thereto.

Community Preservation Committee  
Hanover Historical Society

**ARTICLE 34. APPROPRIATE FUNDS – WEIGHTS & MEASURES CABINET RESTORATION**

To see if the Town will vote, pursuant to Massachusetts General Laws (M.G.L.) Chapter 44B (Community Preservation), and the Hanover General Bylaws, Section 4-19, to appropriate \$10,000 U.S. dollars from the Town's Community Preservation Fund (CPF) to "restore the Weights & Measures Cabinet scale to working order, repair finish, and modify in order to prepare for display by adding LED lighting, glass panel, etc." Said funds to be expended within the scope approved by the Community Preservation Committee, and for the purposes approved by this Town Meeting, said funds to be expended for the purposes stated herein by the Town Manager, under the direction of the Community Preservation Committee," said funds to be expended within two (2) years unless extended by the Community Preservation Committee, or take any other action relative thereto.

Community Preservation Committee  
Historical Commission

**ARTICLE 35. PETITION GENERAL COURT – DATE FOR ISSUING LICENSES**

To see if the Town will vote to petition the General Court to adopt the following special legislation for the sole purpose of amending the date by which all on-premises alcoholic beverage licenses authorized under Chapter 162 of the Acts of 2020 must be issued; provided, however, that the Legislature may make clerical or editorial changes of form only to the bill; provided further, that substantive changes shall be subject to the approval of the Select Board, which Board is hereby authorized to approve amendments within the scope of the general public objectives of the petition.

An Act Extending the date for Issuance of Certain Alcoholic Licenses

SECTION 1. Subsection (e) of Section 1 of Chapter 162 of the Acts of 2020 is hereby amended by striking out the words, "All licenses granted under this act shall be issued within 3 years after the effective date of this act;" and inserting in place thereof the following words: "All licenses granted under this act shall be issued by August 20, 2026;"

SECTION 2. This act shall take effect upon its passage.

Or take any other action relative hereto.

By Petition: Josh Donovan  
John Geary  
Thomas Burke  
Jeffrey Blanchard  
Walter L. Sweeney, Jr.

**ARTICLE 36. TO SEE IF THE TOWN WILL AMEND THE HANOVER ZONING BYLAWS WITH THE INSERTION OF THE FOLLOWING NEW DEFINITIONS – ALPHABETICALLY WITHIN EXISTING SECTION 2.100 – DEFINITIONS:**

**Multi-Family Development:**

A residential development designed and constructed to provide housing for individuals and/or families comprised of multiple units in a single building. For purpose of this definition a multi-family development consists of three (units) plus.

**Recreation Uses:**

- (a) Public recreation use - a place of assembly either indoors or outdoors specifically for active or passive recreation available for use by the general public where no fee for use is required. For example, parks, athletic fields, playgrounds
- (b) Private commercial recreation use – a place of assembly either indoors or outdoors for active and passive recreational uses specifically available for a fee and/or membership fee - for profit business. For example, sports facilities and/or fields, bowling facilities, fitness centers
- (c) Non-Profit/Educational Recreation – a place of assembly either indoors or outdoors specifically for active or passive recreational uses available for a reduced fee based on the organizations tax exemption status as a non-profit. For example, nature centers, YMCA's, field houses and turf fields associated with educational use.

**Business and/or Professional Office:**

A building or portion thereof where services, clerical work, professional duties, and related activities are carried out. Services offered are on an individual basis as opposed to services performed on objects or personal property. Business/professional offices include, but are not limited to, brokerage offices, insurance offices, professional offices (i.e., accountants, engineers, lawyers, etc.), real estate offices, ticket offices, travel agencies, or any similar type of profession. Business/professional offices do not include banks, personal retail services or medical health care facilities.

**Bank:**

An establishment where money is stored for savings or commercial purposes or is invested, supplied for loans or exchanged. This does not include a free-standing Automated Teller Machine (ATM) unless such ATM is located on the same lot as a branch of the controlling bank.

**Medical Health Care Facilities:**

A facility, other than a hospital, where human patients, who are not lodged overnight, are treated by physicians, dentists, therapists, other health professionals or similar professions related to the health and wellness of the human's body and mind. Such facility may include ancillary medical laboratory, rehabilitation, and pharmacy services, as well as a restaurant or cafeteria, or the retail sale of gifts, books and magazines, and other sundries. Examples may include Health Clinics; Physician or Dentist Offices, Massage Therapists; Holistic medicine, Physical Therapy Clinics; Reiki Clinics; Acupuncture Clinics; Chiropractic Clinics; Mental Health Therapists. This does not include any uses considered Personal Services – Body Related.

**Medical Laboratory:**

A facility for the analysis of blood, tissue, or other human medical products.

**Warehouse:**

A fully enclosed building used for the storage of materials and/or equipment. See also Distribution.



**Distribution, Retail:**

A use where goods are received and/or stored for delivery to the ultimate retail customer at remote locations. This use generally has greater traffic generation than Distribution, Wholesale/Bulk, as there are more frequent delivery trips to individual homes and businesses. See also Warehouse.

**Distribution, Wholesale/Bulk:**

A use where goods are received and/or stored for delivery to the ultimate wholesale or bulk customer at remote locations. This use generally has lesser traffic generation than Distribution, Retail, as there are less frequent delivery trips with larger orders per trip. See also Warehouse.

**Manufacturing Facility:**

A facility used for the processing, fabrication, packaging and/or assembling, and storage of goods or products manufactured from raw materials occurring on the premises. Said facility may include office space that shall be up to 25% of the gross floor area of manufacturing facility support such activity located on the same lot.

Or take any other action relative thereto.

Planning Board

**ARTICLE 37. TO SEE IF THE TOWN WILL AMEND THE ZONING BYLAWS RELATIVE TO GRANDFATHERED PROJECT APPROVALS UNDER SECTION 5.040 AS FOLLOWS (BOLD & UNDERLINE DENOTES NEW LANGUAGE FOR INSERTION):**

Grandfathered Project Approvals: The following projects shall be allowed or permitted, notwithstanding non-compliance with the requirements of this Bylaw or amendments thereto provided that such construction is commenced within ~~six (6) months~~ **twelve (12) months** after the issuance of the permit and, in cases involving construction, such construction is continued through to completion as continuously and expeditiously as is reasonable.

Or take any other action relative thereto.

Planning Board

**ARTICLE 38. TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BYLAWS RELATIVE TO TIME LIMITATIONS ON VARIANCE OR SPECIAL PERMIT GRANTS UNDER SECTION 13.200 BY DELETING THE FOLLOWING EXISTING LANGUAGE (ITALIC) TO BE REPLACED BY NEW LANGUAGE (BOLD & UNDERLINE):**

*Any variance or Special Permit granted by the Zoning Board of Appeals or the Planning Board shall lapse one (1) year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause as determined by the applicable Board.*

**Any variance granted by the Zoning Board of Appeals shall lapse one (1) year from the grant thereof if a substantial use thereof has not sooner commenced or, in the case of a permit for construction, if construction has not begun by such date. If requested thirty (30) days prior**

**to expiration, the Board may grant a one-time six (6) month extension for good cause as determined by the applicable Board.**

**Any Special Permit granted by the Zoning Board of Appeals or the Planning Board shall lapse three (3) years from the grant thereof if a substantial use thereof has not sooner commenced or, in the case of a permit for construction, if construction has not begun by such date. If requested thirty (30) days prior to expiration, the applicable Board may grant an extension for good cause, the date of expiration to be determined by the applicable Board.**

Or take any other action relative thereto.

Planning Board

**ARTICLE 39. TO SEE IF THE TOWN WILL AMEND THE HANOVER ZONING BYLAWS TO PROHIBIT DIGITAL MESSAGE BOARDS, INTERNALLY ILLUMINATED AND MOVING SIGNS.**

To see if Town Meeting will vote to amend Section 5 of the Hanover Sign Bylaw to read as follows:

Article 5. Movement, Illumination and Color

5.1. Movement:

No sign shall contain any moving, flashing or animated lights, or visible moving or moveable parts., ~~except such portions of a sign that consist solely of indicators of time or temperature. Automatically or~~ Mmanually changing message signs may be permitted in the case of gas stations, movie or stage theaters or such other circumstances that the Sign Officer may permit upon finding that such sign does not derogate from the intent of this bylaw.

5.1.1 Digital Message Boards:

Digital Message Boards are prohibited.

~~Notwithstanding the above provision and upon applying for and the granting of a Permit by the Planning Board acting as the as Permit Granting Authority, Digital Message Board signs are allowed in Commercial, Business, and Planned Shopping Center districts. Elements to be reviewed and regulated in allowing a Permit shall include, but not limited to the following:~~

~~(a) Digital Message Boards can only display goods and services available at the petitioner's place of business.~~

~~(b) There shall be only one (1) Digital Message Board allowed per property.~~

~~(c) Digital Message Boards shall display static images only.~~

~~(d) Digital Message Boards may change their static images no more than once every fifteen minutes (15)~~

~~as a free standing, monument, or wall sign. In addressing this issue, the Planning Board may review sight distances and speed limits on surrounding roads.~~

~~(e) Transitions from one static image to the next shall appear instantaneously without the appearance of flashing, animation or movement of any kind.~~

~~(f) The background of any Digital Message Board shall remain a consistent color and intensity from one message to the next.~~

~~(g) Such sign shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness based on ambient light conditions.~~

~~(h) No electronic message center sign shall exceed a brightness level of 3.0 foot candles above ambient light as measured using a foot candle meter and a distance of 50 feet from the display.~~  
~~(i) Digital Message Boards shall meet the dimensional requirements outlined in Article 7.2.b. and Article 7.2.c of the Sign Bylaw.~~

~~(j) During a public safety event, the petitioner shall make the Digital Message Board accessible to the Town of Hanover's public safety departments.~~

~~Landscaping: The area surrounding the base of all freestanding and monument Digital Message Boards shall be attractively landscaped. Landscaping shall include low shrubbery, flowers or other such plantings that will not exceed one and half (1 ½) feet in height. These plantings will serve to obscure the supporting structure of the sign, while adding to overall appearance of the property.~~

~~Site Plan Approval: All Digital Message Board signs shall be included as an element of all Site Plan Approval applications Section 10 of the Hanover Zoning Bylaws. The application shall include the location, size, and height of all signs existing and proposed on the property. Applicants may be required to document signs on adjacent property if the Planning Board determines the circumstances warrant such review to reach an informed decision.~~

## 5.2. Illumination:

Signs may be illuminated only by the following means:

(a) By a white, steady stationary light of reasonable intensity, shielded and directed solely at the sign.

~~(b) By a white interior light of reasonable intensity.~~

~~(c) By a white, steady stationary light of reasonable intensity "back lighting" a Fully Attached Sign.~~

~~(d) Neon tubes or similar devices are not permitted except a window sign which meets the provisions of Article 7, and may utilize such a tube if such sign contains no more than two colors, is not moving or flashing and is less than one and one half (1 ½) square feet in overall area.~~

## 5.3. Color:

No sign shall contain more than six colors excluding the background and frame. No sign shall contain colored lights, interior or exterior.

## 5.4. Holiday Decorations:

Holiday decorations shall not be subject to this by-law.

## 5.5. Interior Signs:

The provisions of the by-law shall apply not only to exterior signs but also to interior signs which are so placed as to be visible through windows, doors or other openings from the exterior.

## 5.6. Three Dimensional Signs:

No sign shall be permitted which is dependent upon a three dimensional effect as a design element. This specifically shall apply to (but shall not be limited to) reproductions of products, packages, emblems, trade marks and the like.

## 5.7. Flags:

Nothing in this by-law shall prevent the flying of one American Flag and/or one State Flag on the same pole or poles, or halyard on a lanyard and one flag not to exceed 12 square feet in area which incorporates a trade mark, logotype or similar device directly related to the business or residence located on the lot.

#### 5.8. Prohibited Signs:

Digital Message Boards, flashing, moving or animated signs or signs designed to attract attention by a change in light intensity or by repeated motion, which such change or motion is generated by or internal to the sign itself, and internally illuminated signs are prohibited.

Or take any other action relative thereto.

By Petition: Elizabeth Corbo  
Maura Longueil  
Brendan Longueil  
Scott Fader  
Lori Coughlin

### **ARTICLE 40. REVISED ARTICLE TO PROHIBIT DIGITAL MESSAGE BOARDS, FLASHING AND MOVING SIGNS**

**TO SEE IF THE TOWN WILL AMEND THE HANOVER SIGN BYLAW TO PROHIBIT DIGITAL MESSAGE BOARDS.**

To see if Town Meeting will vote to amend Section 5 of the Hanover Sign Bylaw to read as follows:

#### Article 5. Movement, Illumination and Color

##### 5.1. Movement:

No sign shall contain any moving, flashing or animated lights, or visible moving or moveable parts, except such portions of a sign that consist solely of indicators of time or temperature. Automatically or manually changing message signs may be permitted in the case of gas stations, movie or stage theaters or such other circumstances that the Sign Officer may permit upon finding that such sign does not derogate from the intent of this bylaw.

##### 5.1.1 Digital Message Boards:

Digital Message Boards are prohibited.

~~Notwithstanding the above provision and upon applying for and the granting of a Permit by the Planning Board acting as the Permit Granting Authority, Digital Message Board signs are allowed in Commercial, Business, and Planned Shopping Center districts. Elements to be reviewed and regulated in allowing a Permit shall include, but not limited to the following:~~

~~(a) Digital Message Boards can only display goods and services available at the petitioner's place of business.~~

~~(b) There shall be only one (1) Digital Message Board allowed per property.~~

~~(c) Digital Message Boards shall display static images only.~~

~~(d) Digital Message Boards may change their static images no more than once every fifteen minutes (15) as a free standing, monument, or wall sign. In addressing this issue, the Planning Board may review sight distances and speed limits on surrounding roads.~~

~~(e) Transitions from one static image to the next shall appear instantaneously without the appearance of flashing, animation or movement of any kind.~~

~~(f) The background of any Digital Message Board shall remain a consistent color and intensity from one message to the next.~~

- ~~(g) Such sign shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness based on ambient light conditions.~~
- ~~(h) No electronic message center sign shall exceed a brightness level of 3.0 foot candles above ambient light as measured using a foot candle meter and a distance of 50 feet from the display.~~
- ~~(i) Digital Message Boards shall meet the dimensional requirements outlined in Article 7.2.b. and Article 7.2.c of the Sign Bylaw.~~
- ~~(j) During a public safety event, the petitioner shall make the Digital Message Board accessible to the Town of Hanover's public safety departments.~~

~~Landscaping: The area surrounding the base of all freestanding and monument Digital Message Boards shall be attractively landscaped. Landscaping shall include low shrubbery, flowers or other such plantings that will not exceed one and half (1 ½) feet in height. These plantings will serve to obscure the supporting structure of the sign, while adding to overall appearance of the property.~~

~~Site Plan Approval: All Digital Message Board signs shall be included as an element of all Site Plan Approval applications Section 10 of the Hanover Zoning Bylaws. The application shall include the location, size, and height of all signs existing and proposed on the property. Applicants may be required to document signs on adjacent property if the Planning Board determines the circumstances warrant such review to reach an informed decision.~~

## 5.2. Illumination:

Signs may be illuminated only by the following means:

- (a) By a white, steady stationary light of reasonable intensity, shielded and directed solely at the sign.
- (b) By a white interior light of reasonable intensity.
- (c) By a white, steady stationary light of reasonable intensity "back lighting" a Fully Attached Sign.
- ~~(d) Neon tubes or similar devices are not permitted except a window sign which meets the provisions of Article 7, and may utilize such a tube if such sign contains no more than two colors, is not moving or flashing and is less than one and one half (1 ½) square feet in overall area.~~

## 5.3. Color:

No sign shall contain more than six colors excluding the background and frame. No sign shall contain colored lights, interior or exterior.

## 5.4. Holiday Decorations:

Holiday decorations shall not be subject to this by-law.

## 5.5. Interior Signs:

The provisions of the by-law shall apply not only to exterior signs but also to interior signs which are so placed as to be visible through windows, doors or other openings from the exterior.

## 5.6. Three Dimensional Signs:

No sign shall be permitted which is dependent upon a three dimensional effect as a design element. This specifically shall apply to (but shall not be limited to) reproductions of products, packages, emblems, trade marks and the like.

## 5.7. Flags:

Nothing in this by-law shall prevent the flying of one American Flag and/or one State Flag on the same pole or poles, or halyard on a lanyard and one flag not to exceed 12 square feet in area which

incorporates a trade mark, logotype or similar device directly related to the business or residence located on the lot.

**5.8. Prohibited Signs:**

**Except as otherwise provided above in Section 5.1, Digital Message Boards, flashing, moving or animated signs or signs designed to attract attention by a change in light intensity or by repeated motion, which such change or motion is generated by or internal to the sign itself are prohibited.**

Or Take any other action relative thereto.

By Petition: Maura Longueil  
Jeffrey Longueil  
Brendan Longueil  
Joelle Casey  
Brenda Carven

**ARTICLE 41. TO SEE IF THE TOWN WILL VOTE TO AMEND THE SIGN BYLAW ARTICLE 5 (MOVEMENT, ILLUMINATION, COLOR) FOR THE TOWN BY DELETING THE FOLLOWING EXISTING LANGUAGE UNDER 5.1.1:**

**5.1.1 Digital Message Boards:**

Notwithstanding the above provision and upon applying for and the granting of a Permit by the Planning Board acting as the as Permit Granting Authority, Digital Message Board signs are allowed in Commercial, Business, and Planned Shopping Center districts. Elements to be reviewed and regulated in allowing a Permit shall include, but not limited to the following:

- (a) Digital Message Boards can only display goods and services available at the petitioner's place of business.
- (b) There shall be only one (1) Digital Message Board allowed per property.
- (c) Digital Message Boards shall display static images only.
- (d) Digital Message Boards may change their static images no more than once every fifteen minutes (15) as a free standing, monument, or wall sign. In addressing this issue, the Planning Board may review sight distances and speed limits on surrounding roads.
- (e) Transitions from one static image to the next shall appear instantaneously without the appearance of flashing, animation or movement of any kind.
- (f) The background of any Digital Message Board shall remain a consistent color and intensity from one message to the next.
- (g) Such sign shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness based on ambient light conditions.

(h) No electronic message center sign shall exceed a brightness level of 3.0 foot candles above ambient light as measured using a foot candle meter and a distance of 50 feet from the display.

(i) Digital Message Boards shall meet the dimensional requirements outlined in Article 7.2.b. and Article 7.2.c of the Sign Bylaw.

(j) During a public safety event, the petitioner shall make the Digital Message Board accessible to the Town of Hanover's public safety departments.

**Landscaping:** The area surrounding the base of all freestanding and monument Digital Message Boards shall be attractively landscaped. Landscaping shall include low shrubbery, flowers or other such plantings that will not exceed one and half (1 ½) feet in height. These plantings will serve to obscure the supporting structure of the sign, while adding to overall appearance of the property.

**Site Plan Approval:** All Digital Message Board signs shall be included as an element of all Site Plan Approval applications Section 10 of the Hanover Zoning Bylaws. The application shall include the location, size, and height of all signs existing and proposed on the property. Applicants may be required to document signs on adjacent property if the Planning Board determines the circumstances warrant such review to reach an informed decision.

(Approved May 3, 2016) (Approved by the Attorney General August 23, 2016)

Or take any other action relative thereto.

Planning Board

**ARTICLE 42. TO SEE IF THE TOWN WILL AMEND THE HANOVER ZONING BYLAWS WITH THE INSERTION OF A NEW SECTION FOR DIGITAL MESSAGE BOARDS AS FOLLOWS:**

**New Zoning Bylaw Section 5.900 Special Permit for Digital Message Boards**

**5.910 Purpose:** This section of the Zoning Bylaw is adopted pursuant to MGL chap. 40A Section 9 for the regulation of new Digital Message Boards and the enlargement/structural alteration of any existing free-standing signage to add a Digital Message Board component in accordance the zoning requirements below and those of the Hanover Sign Bylaw. This Special Permit review will ensure the visual environment of signage on public ways and signage on private property (as viewed from public ways) with Digital Message Boards can be done with consideration of vehicular and pedestrian safety, convenience, aesthetics, and scenic beauty of the area as well as the welfare of the general public from distracted driving and any visual obstructions.

For the purpose of this section, the Special Permit Granting Authority (SPGA) shall be the Planning Board. All Digital Message Boards shall require a Special Permit approval from the SPGA.

**5.920 Definition:** A digital message board is defined as an electronic visual on-screen programmable communication device used with changeable message(s) and/or for the purpose to

advertise goods and services at the site. Digital Message Boards cannot have any scrolling, flashing, moving or animated pictures/features that would distract motorists.

**5.930 Allowed by Special Permit:** Digital Message Boards are allowed by Special Permit in the following Districts: Business, Commercial, Fireworks, Industrial, Limited Industrial and Planned Shopping Center District.

**5.940 Prohibitions:**

- A. Digital Message Boards are prohibited in Residence A zones and within any Local Historic Districts in the Town of Hanover.
- B. Digital Message Boards for Nonconforming uses, structures and lots located within a Residential A zone are also prohibited.
- C. Portable Message Boards are prohibited unless utilized by a government authority for public safety or public works purposes.
- D. Notwithstanding provisions of this Section and upon applying for and the granting of a Special Permit by the SPGA, Digital Message Boards shall be reviewed per criteria under Zoning Bylaw Section 5.890 as well as with consideration of the following requirements but not limited to the following:

(1) Digital Message Boards can only be utilized outdoors by the establishments located on the same lot as the sign. Digital Message Boards are permitted by Special Permit only on free standing signs per the dimensional requirements of the Sign Bylaw –Article 7.2 (c) for standing signs.

(2) There shall be only one (1) double face Digital Message Board on a freestanding sign as allowed per property. All electrical connections that service the standing sign with a Digital Message Board shall be located underground. Upon application the applicant shall identify if other tenants of the building or site that will be advertising on the digital message board. The SPGA may limit the number of users on the Digital Message Board based on existing tenants at time of application and additional future tenants may need to seek modification of the approval for use.

(3) A Digital Message Boards shall not be located within 500' LF (linear feet) from another Digital Messaging Board on the same side of the street and across the street unless waived by the SPGA after a Finding has been made unique circumstances warrant relief. A waiver request shall obtain the approval of the Safety Officer of the Police Department prior to action by the SPGA.

(4) A Digital Message Board shall not be located on free standing signs within 300' LF of a public park, playground, cemetery and open space reservation/area of passively recreation used by the public.

(5) Digital Message Boards shall not exceed a maximum twenty-six (26) square feet of sign area out of the total permissible sixty-six (66) square feet of a standing sign area. The material of the Digital Message Board including color background and lettering shall be provided. The maximum height of a standing sign cannot exceed fifteen (15') feet in height from the ground and no sign area shall be located within the four (4') vertical feet



from the ground to bottom of sign. All standing signs shall be located with a minimum horizontal setback of ten (10') feet from any street, right of way, driveway, on-site parking area and loading area (See Sign Bylaw Article 7.3(c)). Information as to the standing sign's dimensions, material, anchorage, coloring and any other construction design aspects shall be provided with the Digital Message Board application information.

(6) A site plan approval under Zoning Bylaws - Section 10 is required locating the proposed and/or existing sign to have a Digital Messaging Board. The application shall include the location and proposed dimensions of all existing and proposed signs on the property. Applicants may be required to document signs on adjacent property if the SPGA determines the circumstances warrant such review to reach an informed decision. Businesses located on corner lots at intersections must locate Digital Messaging Boards on free-standing signs a minimum horizontal distance of thirty – five (35') feet from said intersection. The SPGA can waive this distance after finding a reduced distance will not interfere with traffic patterns, traffic lights and overall public safety. Any waiver request shall obtain the approval of the Safety Officer of the Police Department prior to action by the SPGA.

(7) Digital Message Boards shall display only static images or messages that change once every three (3) minutes to the next message without the appearance of flashing, animation, scrolling or movement of any kind. Digital Message Boards shall not emit any sound. A default design mode shall be incorporated within the Digital Message Board to freeze the sign in one position should it malfunction.

(8) The background of any Digital Message Board shall remain the consistent color of black and the font color and intensity from one message to the next shall be identified at application. No Digital Message Board shall contain more than three (3) font colors identified to the SPGA upon granting approval for issuance of a permit. A Digital Message Board Special Permit to install shall be valid for one year upon approval and shall seek renewal annually from the SPGA administratively. Upon the conveyance of a property that has a Digital Message Board, the new owner shall be required to obtain a new Special Permit from the SPGA to continue use of the Digital Message Board.

(9) Digital Message Boards shall automatically adjust the intensity of its display according to natural ambient light conditions. Applicants shall provide a written description how the Digital Message Board accomplishes the automatic adjustment.

(10) Each Digital Message Board shall provide ten (10) hours of Public Service Announcement (PSA) time during a month dedicated to the Town of Hanover. The Public Safety Divisions of the Town shall during an emergency event and/or amber alert provide information to the public. Issuance of the Special Permit by the SPGA will provide a process for adherence for working with public safety divisions.

(11) Landscaping: The area surrounding the base of all freestanding Digital Message Boards signs shall be attractively landscaped. Landscaping shall include low shrubbery, flowers or other such plantings that will not exceed one and half (1 ½) feet in height. These plantings will serve to obscure the supporting structure of the sign, while adding to overall appearance of the property.

**5.950 Special Permit Granting Approval Criteria and Findings:** In each deliberation and review of an application for a Special Permit the SPGA shall include Findings within their decision that addresses the following criteria for approval:

- A. The proposed Digital Message Board has complied with the dimensional requirements of this Section and the Hanover Sign Bylaw as it relates to standing signs and has been designed to complement the aesthetics of the general area. No excessive demand on electrical services is required and distancing requirements have been met unless waived by the SPGA for unique circumstances.
- B. The proposed Digital Message Board will not impede any line of sight for motorists to see other vehicles and/or pedestrians. The SPGA has reviewed all traffic safety measures as to public safety and taken under consideration other existing signage and Digital Message Boards along roadway corridor.
- C. The proposed Digital Message Board has been designed to be in keeping with the building architecture on the host lot along with required setbacks from other Digital Message Boards and the general characteristics of the surrounding businesses within the zoning district.
- D. Adequate landscaping around the base of the free-standing sign has been proposed.
- E. The proposed Digital Messaging Board has been equipped with technology sufficient in addressing any to adjustment to the brightness to prevent excessive glare and light pollution to any adjoining residential properties. In addition, timing technology to shut the digital message board off at designated hours as determined by the SPGA has been provided.
- F. The proposed Digital Messaging Board has made accommodations for Public Service Announcements in the case of an emergency to allow use by the public safety divisions.

Or take any other action relative thereto

Planning Board

**ARTICLE 43. TO SEE IF THE TOWN WILL AMEND THE ZONING BYLAWS  
RELATIVE TO USES ALLOWED IN A BUSINESS DISTRICT - ACCESSORY  
BUILDING AND USES UNDER SECTION 6.110 (G) BY ADDING THE FOLLOWING  
(BOLD & UNDERLINE DENOTES NEW LANGUAGE FOR INSERTION):**

- G. **Any detached** accessory building and uses **less than 800 SF.**

And further Amending Section 6.130 Uses Permitted by Special Permits from the Planning Board by adding new language as follows (**Bold & Underline denotes new language for insertion**):

**H. Any detached accessory building and uses that exceeds 801 SF located on a lot with a principal use**

Or take any other action relative thereto.

Planning Board

**ARTICLE 44. TO SEE IF THE TOWN WILL AMEND THE ZONING BYLAWS RELATIVE TO ACCESSORY STRUCTURES UNDER SECTION 5.300 AS FOLLOWS (BOLD & UNDERLINE DENOTES NEW LANGUAGE FOR INSERTION):**

A detached accessory structure, including but not limited to, a garage, tool shed, or swimming pool, may be erected in the rear or side yard only, provided that it conforms with the setback requirements of the zoning district in which it is located **and is located on the same lot as the principal use. Any accessory detached structure that exceeds 800 SF in size shall be required to obtain a Special Permit and Site Plan Review from the Planning Board acting as the Special Permit Granting Authority (SPGA) prior to issuance of a building permit. The SPGA shall consider the following in their deliberations for issuance of a Special Permit and Site Plan Review:**

- (a) Proposed accessory structure will not alter the character of the premises in which it is located**
- (b) Proposed accessory structure will not have an adverse effect on the aesthetics of buildings or structures in the neighborhood. Accessory structures that are greater than 800 square feet shall generally match the exteriors of the principal structure in terms of types of materials, percentages of materials, and color,**
- (c) Proposed accessory structure will not produce noise, odors or glare observable at the lot lines in amounts per the Hanover General and Zoning Bylaws clearly detrimental to the normal use of adjacent property.**

An addition to a principal building shall be considered an integral part thereof and may be allowed or permitted only if it conforms with all applicable setbacks of the district in which the principal building is located. To be considered an accessory to the use of a dwelling unit, a swimming pool shall be used by the residents of the premises and their guests only. The pool shall be securely fenced to a height of not less than four (4) feet.

And take any further action thereto.

Planning Board

**ARTICLE 45. TO SEE IF THE TOWN WILL AMEND THE HANOVER ZONING BYLAWS UNDER SECTION 6 – USE REGULATIONS AS FOLLOWS:**

Section 6.110 – Business District – Uses Allowed – Under Item “K” **delete the following** “*Medical uses to include medical outpatient clinic, health care facilities, and or medical offices or dentist offices. Allowed uses shall be in accordance with local, state and federal regulation*”

Section 6.130 – Business District - Uses permitted by Special Permit from the Planning Board – Add a **new** item “G” Medical Health Care Facilities.

Section 6.220 – Commercial District – Uses Permitted by Special Permit – Add a **new** item “O” Medical Health Care Facilities.

Or take any other action relative thereto.

Planning Board

**ARTICLE 46. TO SEE IF THE TOWN WILL AMEND THE HANOVER ZONING BYLAWS UNDER SECTION 9 – PARKING AND LOADING REQUIREMENTS - SUB-SECTION 9.010 - TABLE 9-1 (MINIMUM PARKING REQUIREMENTS) BY ADDING A NEW TYPE OF USE AND MINIMUM REQUIRED PARKING SPACES IN THE COLUMNS (BOLD & UNDERLINE DENOTES NEW LANGUAGE FOR INSERTION):AS FOLLOWS:**

New “Type of Use” (column)

New “Minimum Required Parking Spaces” (column)

**Medical Health Care Facilities**

**Two (2) parking spaces per exam room, plus employee parking areas and adequate loading and service areas.**

Or take any other action relative thereto.

Planning Board

**ARTICLE 47. AMEND PLANNING OFFICE FEES**

To see if the Town will vote, pursuant to Article 6-18 of the Hanover General Bylaws, as amended at the May 2010 Annual Town Meeting, to approve a change in fees for all applicable permits to the Department of Community Development and Municipal Inspections, Planning Office with an effective date of July 1, 2023, in accordance with the following table, and to allow the Department of Community Development and Municipal Inspections, Planning Office to update the Fee Schedule on file with the Town Clerk accordingly, or take any other action relative thereto:

## **SUBDIVISION CONTROL LAW**

<b>Application Type/Permit Fee</b>	<b>Base Fee *</b>	<b>Additional Review</b>
Approval Not Required (ANR)	\$300 base fee	Plus \$250 each additional buildable lot
Preliminary Plan	\$1,000.00	
Definitive Plan	\$2,000.00 per buildable lot	\$6,000.00 Consultant Fee (MGL 53G)
Definitive Plan Major Modification	50% of original subdivision base fee	\$6,000.00 Consultant Fee (MGL 53G) if modification requires it.
Scenic Road and/or Shade Tree Application	\$100.00 base fee	

***\*Unless otherwise noted all applications that require public hearings will be direct bill to applicants for legal advertisement in newspaper and postage for notifying abutters these costs are not part of base fee.***

## **ZONING (SPECIAL PERMIT, SITE PLAN REVIEW & ZONING RELATED TOWN MEETING APPLICATIONS)**

<b>Application Type/Permit Fee</b>	<b>Base Fee*</b>	<b>Additional Review</b>
Special Permit (Use only no exterior changes) and no Site Plan Review	\$500.00 base fee	
Special Permit with Site Plan Review	\$1,000.00 base fee	Plus, applicable site plan review fees
Special Permit – Retreat Lot (ZBL Sec. 6.030)	\$1,000.00 base fee	Applicants will be subject to ANR fee once submitted for endorsement
Special Permit – Common Driveway (ZBL Sec. 5.870)	\$1,000.00 base fee	
Special Permit – Floodplain (ZBL Sec. 6.770) within Water Resource Protection District (ZBL Sec 6. 800)	\$500.00 base fee (in addition to other Special Permit & Site Plan Review)	\$6,000.00 Consultant Fee (MGL 53G) may be required by PB
Special Permit – Planned Residential Development for Seniors (PRDS – ZBL Sec. 6.040)	\$1,000.00 per unit proposed	\$6,000.00 Consultant Fee (MGL 53G) may be required by PB
Special Permit – Reduction in parking <b>NOT</b> in conjunction with any other application (ZBL Sec. 9.300)	\$500.00 base fee	Reduction greater than 100 spaces \$1,000.00 base fee

Special Permit – Accessory structure over 800 SF (residential & business)	\$500.00 base fee	.15 cents per SF of building floor area
Special Permit – Digital Message Board (ZBL Sec. 5.900)	\$500.00 base fee	
Special Permit – final grade change 1’ over 500 SF (ZBL. Sec. 7.660)	\$500.00 base fee	\$6,000.00 Consultant Fee (MGL 53G) may be required by PB
Major Modification of Special Permit	50% of the original application fee	\$6,000.00 Consultant Fee (MGL 53G) may be required by PB
Site Plan review only <b>NO</b> Special Permit (residential & business)	\$2,000.00 base fee	.15 cents per Gross Floor Area (GFA)  \$6,000.00 Consultant Fee (MGL 53G) may be required by PB
Non-Profit Entity (MGL 40A sec. 3) – Site Plan Review required because of structure size not use. (ZBL sec. 5.810 & 10.020)	\$1,000.00 base fee	\$6,000.00 Consultant Fee (MGL 53G) may be required by PB
Site Plan Review – nonresidential districts – new building construction 8k SF or an addition of 5k SF to existing - no Special Permit for Use – only Site Plan Review (ZBL Sec 10.30)	\$2,000.00 base fee	.15 cents per SF of new building floor area  \$6,000.00 Consultant Fee (MGL 53G) may be required by PB
Limited Site Plan Review (ZBL Sec. 10.400)	\$500.00 base fee	.15 cents per SF of building floor area & SF of paved area
Site Plan Review Major Modification	50% original base fee	
Request for <u>Rezone</u> of Property to go before Town Meeting.	No application fee	Applicant pays cost of legal advertisement & abutters notice for required statutory public hearing.
Request for <u>Zoning</u> Amendment to go before Town Meeting.	No application fee	Applicant pays cost of legal advertisement & abutters notice for required statutory public hearing.

***\*Unless otherwise noted all applications that require public hearings will be direct bill to applicants for legal advertisement in newspaper and postage for notifying abutters these costs are not part of base fee.***

Or take any other action relative thereto.

Planning Board

#### **ARTICLE 48. APPROPRIATE FUNDS – E-CODE SOFTWARE**

To see if the Town will vote to raise and appropriate, appropriate from available funds and/or borrow in accordance with Chapter 44 of the Massachusetts General Laws the sum of up to \$18,000 or another sum for the purchase and licensing of E-Code Software, or take any other action relative thereto.

CDMI Director  
Planning Board

#### **ARTICLE 49. CORRECT SPELLING OF LUDDAM’S FORD PARK TO LUDDEN’S FORD PARK TO HONOR JAMES LUDDEN - GOVERNOR WINTHROP’S 1632 GUIDE TO PLYMOUTH COLONY**

To see if the Town will vote to authorize the official re-naming of “Luddam’s Ford Park” to “Ludden’s Ford Park” pursuant to Hanover’s General Bylaws §3-2(17), or take any other action relative thereto.

Hanover Historical Commission  
Hanover Historical Society  
Hanover Conservation Commission  
Pembroke Historical Society  
Pembroke Conservation Commission  
Weymouth Historical Society

#### **ARTICLE 50. AMEND GENERAL BYLAWS §6-14 – WETLANDS PROTECTION**

To see if the Town will vote to amend the Hanover Wetlands Protection Bylaw for the Town in the manner described below, or to see if the Town will vote to take any action relative thereto:

*By deleting the current text shown as stricken out of the 2009~~1~~ Wetland Protection Bylaw 6.14: ~~in its entirety~~ and replacing said text with the following **as shown in bold, italicized and underlined**:*

##### **#6.14: Wetlands Protection Bylaw**

##### **I. PURPOSE**

The purpose of this bylaw is to protect the wetlands areas, water resources, flood prone areas, and adjoining associated buffer zones, and adjacent upland areas in the Town of Hanover by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative negative effects on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, prevention and control of pollution, fisheries, shellfisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, and recreation values deemed important to the community (collectively, the “resource area values protected ~~by~~ under this bylaw”).

This bylaw is intended to utilize the Home Rule authority of this municipality so as to protect the resource areas under the Wetlands Protection Act, Massachusetts General Laws (M.G.L.) Ch.131 §40; (the Act) to a greater degree, to protect additional resource areas beyond the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those recognized in the Act, and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and regulations there under (310 CMR 10.00). -

~~Subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant bylaws of the Town of Hanover.~~

## II. JURISDICTION

Except as permitted by the Conservation Commission, no person shall ~~commence to~~ remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, reservoirs, lakes, ponds of any size, beaches, estuaries, lands under water bodies, and intermittent streams/brooks/creeks; or lands adjoining these resource areas out to a distance of 100 feet, known as the buffer zone. Said resource areas shall be protected whether or not they border surface waters. The buffer zone is not in itself a resource area.

Except as permitted by the Conservation Commission no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter perennial rivers, streams, brooks and creeks, and lands adjoining these resource areas out to a distance of 200 feet, known as the riverfront area. **See Rules and Regulations associated with this document for further explanation and “no-disturbance” and “no-structure” setback distances from resource areas to wetlands and waterways.**

Except as permitted by the Conservation Commission no person shall ~~commence to~~ remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: lands subject to flooding or inundation by groundwater or surface water; and lands subject to tidal action, coastal storm flowage, or flooding. Said resource areas shall be protected whether or not they border surface waters.

~~The jurisdiction of this bylaw shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04.~~

## III. EXEMPTIONS AND EXCEPTIONS

The applications and permits required by this bylaw shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04. **However, this does not include the stockpiling or disposal of animal waste when said stockpiles or disposal is located within riverfront areas or within the buffer zone to wetlands, waterways, or within well protection or aquifer protection zones. No pet or animal waste shall be allowed within any resource area.**

The applications and permits required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Conservation Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission. **However, this exemption does not apply when said work includes trenching**



**within resource areas or associated buffer zones, or when work is proposed within or around stormwater structures, streams, or culverts.**

The applications and permits required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth ~~or a political subdivision thereof~~ **or associated agency**; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this bylaw, the **exemptions**, exceptions **and minor activities** provided in the Wetlands Protection Act (M.G.L. Ch. 131 §40) and ~~regulations~~ **associated Regulations (310 CMR 10.00) shall not apply under this bylaw. However, such projects that qualify may be allowed under the Bylaw after review by the Commission and/or its Agent.**

#### IV. APPLICATIONS AND FEES

**As per M.G.L. Ch 131 §40, the Conservation Commission has the authority to collect application fees.** The Conservation Bylaw Fee Schedule is further detailed within the Rules and Regulations associated with this Bylaw.

Written application shall be filed with the Conservation Commission to perform activities affecting **any** resource areas **or their associated buffer zones** protected by **under** this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas **and buffers** protected by **under** this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission in an appropriate case may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but ~~the Commission is not obliged to do so.~~ **additional information shall be required as listed within the Rules and Regulations associated with this bylaw. In addition, the Commission requires abutter notification and additional documentation for some applications that is not required under the Wetlands Protection Act.**

**All applications requiring a public hearing must include proof of wetland delineation conducted by a professional wetland scientist or licensed wetland specialist. Plans detailing wetland delineation shall expire after three (3) years from the initial delineation date.**

**The Hanover Conservation Commission shall review applications and issue permits for projects submitted under the Wetlands Protection Act and/or the Hanover Wetlands Protection Bylaw. Such applications are listed below, however, additional application types may be reviewed and permits issued as such becomes necessary for the protection of Hanover's wetlands and waterways.**

**The application forms provided by MA Department of Environmental Protection (DEP) for work within wetlands and waterways and their associated buffers may be used for submission,**

however, Hanover also requires additional information under the bylaw in the form of supplemental forms or combination (DEP and Bylaw) forms provided through the Conservation Office, as well as forms for applications that shall be submitted under the bylaw only. All combined (DEP and Bylaw) forms are also available on the town website.

Applications:

Abbreviated Notice of Resource Delineation (ANRAD):

Any property owner (or any person with permission from the property owner(s)), with land that has not been inspected for the presence of protected resource areas, or that was inspected more than three (3) years prior, may submit an ANRAD application to the Conservation Commission. Review by the Conservation Agent and/or the Commission's wetland consultant shall be conducted with results presented at a public hearing. The ANRAD application and request for a public hearing shall include information and plans as are deemed necessary by the Commission.

Request for Determination of Applicability (RDA):

Any person desiring to know whether or not a proposed activity ~~or an area~~ *or whether the area upon which the activity is to take place* is subject to this bylaw, may in writing request a *public hearing for a* determination from the Commission. ~~Such a Request for Determination of Applicability (RDA), Abbreviated Notice of Resource Area Delineation (ANRAD) or ANRAD with Simplified Review filed under the Act~~ *The RDA application and request for a public hearing* shall include information and plans as are deemed necessary by the Commission. *The public hearing requirements for review of an RDA under the bylaw are stricter than those required under the Wetlands Protection Act.*

Request for Determination of Applicability for Minor Activities (RDAMA) and Minor Activities Permits (MA):

Any person desiring to know whether or not proposed activities meet the criteria of and can be permitted as a "minor activity" under this bylaw, may submit either of these applications, whichever is more appropriate, to the Commission. The RDAMA & MA applications shall include information and plans as are deemed necessary by the Commission.

Notice of Intent (NOI), Notice of Intent for Ecological Restoration (NOI-ER), Abbreviated Notice of Intent (AbNOI):

Any of the NOI applications and request for a public hearing may be submitted to the Commission for work proposed within a resource area and/or within its associated inner buffer zones or riverfront area. Standard setbacks to wetlands have been established by the Conservation Commission that limit alteration and similar activities within these setbacks. Setbacks are further defined within the Rules and Regulations associated with this bylaw. The NOI application shall include information and plans as are deemed necessary by the Commission.

Request for Extension Permit (REXT):

Applicants with projects that require additional time beyond that which was permitted to finish their projects may submit to the Conservation Commission a Request for Extension. No extensions will be issued to expired permits. The REXT application shall include information and plans as are deemed necessary by the Commission.

**Request for Certificate of Compliance (RCOC):**

**For completed projects, applicants shall submit to the Commission a Request for Certificate of Compliance. The RCOC application shall include information and plans as are deemed necessary by the Commission.**

**Emergency Certification:**

**For any projects conducted under emergency conditions and/or emergency orders as issued by the Commonwealth of Massachusetts or MA Department of Environmental Protection (MA DEP), the applicant may conduct said activities without the necessity of applications that require a public hearing. Upon resolution of the safety issue, work completion, restoration, or removal of safety hazards, a public hearing of such may be required by the Commission and/or MA DEP for issuance of an Order of Conditions or Determination of Applicability.**

**Filing Fees-**

At the time of the submission of any application, the applicant shall pay a **the appropriate** filing fee **as** specified in **the** regulations of the Commission **Rules and Regulations associated with this bylaw.** The **Bylaw** fees **is are** in addition to that required by the Wetlands Protection Act and **its associated** regulations. Pursuant to M.G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may **also** impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose (a Guaranteed Deposit Account). Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the Selectmen, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that

request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

#### **V. Notice and Hearings** **NOTICE AND PUBLIC HEARINGS**

Any person filing a permit application, including but not limited to an ~~RDA, ANRAD, or ANRAD with Simplified Review, Notice of Intent~~ **Abbreviated Notice of Resource Area Delineation (ANRAD), Requests for Determination of Applicability (RDA), or Notices of Intent** or other request with the Conservation Commission that requires a public ~~meeting or hearing~~, shall at the same time give written notice thereof, by certified mail with return receipt, or certificate of mailing, or hand delivered, to all abutters within 100 feet of the property lines of the subject parcel(s), at their mailing addresses shown on the most recent applicable property tax list of the ~~assessors~~ **Hanover Assessors**, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another ~~municipality~~ **town or city** or across a body of water. Wording for said notice shall be approved by the Conservation Commission.

The notice shall state **the date, time, and location of the meeting, as well as the project location (street address), Assessor's reference (map/lot),** a brief description of the project or other proposal, and the ~~date of any Commission hearing or meeting date if known,~~ **and time of the public hearing for the project. For those times when it is not possible to hold a meeting in person, and if allowable by MA DEP and the Attorney General of the Commonwealth of MA, open meetings with public hearings may be held via remote/virtual means. As of 2022, the Town of Hanover Select Board has required all in-house governmental meetings to be video-taped and available for remote attendance.**

The notice to abutters also shall include a copy of the application or request, or shall state where copies may be examined and obtained by abutters. An affidavit **Affidavit of Service, swearing that all required abutters listed on the Assessor's Certified Abutters List have been notified, shall be submitted to the Commission prior to the associated public hearing.** Of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Applicant or his/her representative to the owner(s) as well as to the person making the request.

**All applications to the Commission must be signed by the property owner(s) for each parcel listed in the application. Applications will not be accepted without notice to and signatures from all property owners.**

**All applications with proposed work within the North River Corridor must include a permit or letter of acknowledgement from the North River Commission.**

**All applications requiring a public hearing must include a plan prepared by a professional engineer and must detail wetland types and boundaries with distances from proposed limit of work to wetlands, and meet all the requirements of the Commission's Plans Checklist as described in the Rules and Regulations associated with this bylaw.**

The ~~Commission shall conduct a public hearing on any permit application (NOI), RDA, or ANRAD with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality. The~~ **After receipt of an application requiring a public hearing, the** Commission shall commence the public **shall schedule the** hearing **at a duly posted meeting** within 21 days from receipt of a

completed permit application. Under unforeseen circumstances, it may be necessary to hold a public hearing beyond the 21-day deadline. In such instances, the applicant may be asked to sign a Waiver of Timeframe to hold the public hearing. RDA, or ANRAD unless an extension is authorized in writing by the applicant.

The With the agreement of the applicant, the Commission shall have authority to continue the a public hearing to a specific date and time announced at the hearing, for reasons stated at the hearing with the consent of the applicant. The reasons for a continuance may include but are not limited to lack of information from the applicant, on-going hearings with other boards, additional site inspections by Commission members or their consultants, and similar., which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion, based on comments and recommendations of the boards and officials listed in §VI.

If all information has been presented and no further discussion is required, the Commission will close the hearing and either issue a permit or give reasons for a denial.

Regarding approved projects:

- For Abbreviated Notices of Resource Delineation, an Order of Resource Area Delineation shall be issued within 21 days of the close of the public hearing.
- For Requests for Determination of Applicability, a Determination of Applicability will be issued within 21 days of receipt of the RDA application.
- For Notices of Intent, an Order of Conditions shall be issued within 21 days of the close of the hearing.
- For Requests for Extension Permits and Certificates of Compliance, the permits will be issued within 21 days of the close of the meeting at which the requests were approved.

In a case where a project is denied at a public hearing, a written denial will be issued within the timeframes listed above for each application listed.

If unforeseen circumstances prevent the issuance of permits within the required deadline, the applicant may be requested to submit a Waiver of Timeframe for Permit Issuance.

If for unforeseen circumstances an applicant has need to withdraw an application, submission in writing of a Letter of Request to Withdraw Application shall be submitted to the Commission for review at the next scheduled public hearing for that project. Such request may be granted with or without prejudice.

The Commission shall issue its permit, other order or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

## **VI. Coordination with Other Boards COORDINATION WITH OTHER LOCAL BOARDS & MUNICIPALITIES**

*If an application that requires a public hearing is submitted for proposed work on a property that is located within less than 100 ft. of another municipality (town/city), the application* Any person filing a permit application (NOI), RDA or *(ANRAD, RDA, or NOI)* with the Conservation Commission shall provide a copy thereof at the same time, by certified mail, or certificate of mailing, or by hand delivery, *shall be delivered by Certificate of Mailing or hand delivered to* the Conservation Commission of the adjoining municipality. ~~if the application or RDA pertains to property within 300 feet of that municipality.~~ An affidavit of the person providing notice, *A signed Affidavit of Service* with a copy of the public hearing notice *shall then be* mailed *Certificate of Mailing* or *hand* delivered shall be filed with *to the Hanover Conservation* the Commission.

The Commission shall notify all pertinent *Hanover* Town Departments, as necessary, of the public hearing and will review any and all written comments or recommendations received by those boards or departments. The applicant shall ~~have the right to~~ receive any such written comments and recommendations, and shall be given time to respond to them at a public hearing of the *Conservation* Commission, prior to final action *by the Commission*

*Inspections conducted by other departments or permits issued by other departments for projects under review by the Conservation Commission DO NOT eliminate the necessity of Conservation applications, permits, and site inspections. Work conducted without a permit from the Conservation Commission when required will be treated as a violation with enforcement actions and possible fines. After-the-fact filings to resolve and permit work done in violation shall be assessed filing fees that are double that listed in the most current Bylaw Fee Schedule.*

## **VII. Permits and Conditions- PERMITS AND CONDITIONS**

~~If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect on the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. The~~

*The majority of applications submitted to the Conservation Commission require permitting under the Wetlands Protection Act (Act) and the Hanover Wetlands Protect Bylaw (Bylaw). All Orders of Resource Areas Delineation, Determinations of Applicability, and Orders of Conditions, Extensions, Emergency Orders, and Certificates of Compliance may be issued under both agencies. Each permit will be clearly marked as such. Any permit issued under the Bylaw-only will be noticed and permitted as such. It is the responsibility of the applicant to provide within each application, text noting whether the application is submitted under the Act, the Bylaw, or both. It is also the responsibility of the applicant to notify MA DEP of work proposed under their jurisdiction that is listed on a Bylaw only application. In this case, work may not commence until such time that DEP has commented and authorized such work.*

*In order to issue appropriate conditions within their permits, the* Commission shall take into account *all documents and plans submitted, as well as* the extent to which the applicant has *attempted to avoid, minimize, and mitigate* ~~avoided, minimized and mitigated~~ any such effort *any and all alterations or impacts to protected resource areas, including waterways, associated buffer zones, and/or riverfront areas.* The Commission also shall take into account any *resulting* loss, degradation, isolation, *or other negative impacts to adjacent resource areas within the watershed area and especially to any waterways so designated as Outstanding Resource Waters.* and *R*replacement, *restoration,* or replication of such protected resource areas elsewhere in the

~~community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities.~~ **will be required.**

If it issues a permit, the Commission shall impose conditions which ~~they~~ **Commission** deems necessary or desirable to protect said resource area values, and all activities shall be conducted in accordance with those conditions.

Where no conditions are adequate to protect said resource area values, the Commission is empowered to deny a permit. **The following is a list of reasons for denial of projects:**

- ~~for~~ failure to meet the requirements of this bylaw. ~~It may also deny a permit:~~
- ~~for~~ failure to submit necessary information and plans requested by the Commission;
- ~~for~~ failure to comply with the procedures, design specifications, performance standards, and other requirements in regulations of the Commission; **or**
- ~~for~~ failure to avoid, minimize or mitigate unacceptable, significant, or cumulative effects upon the resource area values protected by this bylaw.

Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat.

The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw.

In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this bylaw.

The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, municipal, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and where alteration is unavoidable and has been minimized, to provide full mitigation.

The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication. All replicated resource areas shall be installed at a 2:1 ratio of loss to replicated area. All replicated or restored resource areas shall follow MA DEP standards and guidance for replication of inland wetlands.

Any restoration of resource areas and/or their associated buffer zones shall be installed at a 1:1 ratio of loss to disturbed buffer area and shall follow MA DEP standards and guidance for buffer zone and/or riverfront area restoration.

Standard conditions written within Conservation permits are enforceable by the Commission or its designee, such as the Conservation Agent, for the life of the permit. Special and perpetual conditions remain in effect in perpetuity; they are on-going and do not expire with the permit. Conservation permits run with the land and are enforceable for current and future owners of the property for which the permit was issued. All standard, special, and perpetual conditions are the ultimate responsibility of the property owner(s).

Conditions stated within Conservation permits identify administrative, pre-construction, construction period, and post-construction period requirements. Said conditions shall be enforceable for a stated number of years, or may be perpetual, on-going, and require permanent protection for resource areas, associated buffer zones, adjacent uplands and watershed areas.

The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, The applicant may be required to submit a Wildlife Habitat Study whenever it the Commission deems appropriate, regardless of the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act ~~regulations~~ Regulations (310 CMR 10.60).

For any areas designated as isolated land subject to flooding or isolated vegetated wetlands, or potential vernal pools, the Commission requires proof of status through the submission to Natural Heritage and Endangered Species Program of the appropriate observation forms by the applicant or his/her engineering or wetland representative. Said proof of status shall be submitted with any Conservation application.

The Commission shall presume that all areas meeting the definition of "vernal pools" under §IX of this bylaw, including the adjacent area, perform essential habitat functions. This presumption



may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.

~~A permit, Order of Conditions (OOC), Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance.~~ **Permits issued by the Hanover Conservation Commission expire three (3) years from the issuance date of the permit, unless otherwise printed on the permit. Administrative permits, such as the Minor Activities Permit, Conservation Land Event Permit, Hanover Police Firing Range Tracking Permit, and the Determination of Applicability for Minor Acts, are issued by the Conservation Agent (as per designation and authority of the Conservation Commission), have an expiration period as determined by the Conservation Agent.**

~~Notwithstanding the above,~~ **The Commission in its discretion may issue a permit expiring five (5) years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission.**

**Extensions:** Any permit may be ~~renewed once~~ **extended** for an ~~additional one year period~~ **periods of one (1), two (2), or three (3) years,** provided that a request for a renewal ~~an extension~~ is received in writing by the Commission **30 days** prior to expiration **date of the permit.**

~~Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.~~

For good cause the Commission may revoke any permit ***it has issued***, (OOC), DOA, or ORAD ~~or any other order, determination or other decision issued under this bylaw after notice to the holder, the public, abutters, and town boards, pursuant to §V and §VI~~ **of this Bylaw**, and after a public hearing.

Amendments to permits, (OOC), DOAs, or ORADs **to Conservation permits** shall be handled in the manner set out in the Wetlands Protection Act regulations, **the Rules and Regulations associated with this bylaw, and policies thereunder.**

~~The Commission in an appropriate case may combine the decision issued under this bylaw with the permit, (OOC), DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.~~

**The Commission's permits are issued with conditions based on both the Act and this Bylaw unless otherwise detailed in each application.**

**For those Conservation permits and other documents that require recording at the Plymouth County Registry of Deeds,** ~~No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission with respect to such~~ **work shall not take place until the permit or document** ~~work has been recorded in~~ **at** the Registry of Deeds, or if the land affected is registered land, in the Registry Section of the **at the** Land Court for the district wherein the land lies, **Plymouth County**, and until the holder of the permit certifies in writing to the Commission that the document has been **properly** recorded. **Submission of the recording receipt may be submitted via hand delivery, certificate of mailing, or via email to the Conservation Office.** If the applicant fails to perform such recording **and work commences, a cease and desist order shall be issued to the applicant, owner, and any contractors on site. The cease and desist will be in place until recording information is received in the Conservation Office.** ~~the Commission may~~

record the documents itself and require the Applicant to furnish the recording fee therefore, either at the time of recording or as a condition precedent to the issuance of a COC.

**Inspections are a vital part of the permitting process. Conservation applications and permits require site inspections. Additional to the standard and special conditions within certain permits is a Required Inspection Schedule. It is the responsibility of each applicant/property owner to maintain required inspections. Missed site inspections can be cause for construction delays.**

#### **VIII. Regulations RULES AND REGULATIONS**

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate **effect** the purposes of this bylaw, **to be** effective when voted and filed with the **Hanover Town Clerk**. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum, these regulations shall reiterate the terms defined in this bylaw, define additional terms not inconsistent with the bylaw, and impose filing and consultant fees. **Said document shall be made available for public view within the Conservation Office, and/or online on the Town's Website.**

#### **IX. Definitions TERMS AS DEFINED BY THE HANOVER CONSERVATION COMMISSION**

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term “**agriculture**” shall refer to the definition as provided by M.G.L. Ch. 128 §1A.

The term “**alter**” shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- a.** ~~A.~~ Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- b.** ~~B.~~ Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- c.** ~~C.~~ Drainage, or other disturbance of water level or water table;
- d.** ~~D.~~ Dumping, discharging, or filling with any material which may degrade water quality;
- e.** ~~E.~~ Placing of fill, or removal of material, which would alter elevation;
- f.** ~~F.~~ Driving of piles, erection, expansion or repair of buildings, or structures **as defined in this Section.**;
- g.** ~~G.~~ Placing of obstructions or objects in **any** water **body or waterway**;
- h.** ~~H.~~ Destruction of plant life including **removing plants, trees, shrubs or other such foliage from soils**, cutting or **substantial or over-**trimming of trees, ~~and shrubs~~, **ground cover, or any other such vegetation**;
- i.** ~~I.~~ Changing temperatures, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any ~~waters~~ **water body or water ways**;
- j.** ~~J.~~ Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater;

~~k.-K.~~ Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

The term “**bank**” shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

*The term “buffer zone” refers to a limited area measured linearly outwards from the certified boundary of a resource area. Buffer zones are further defined within the Rules and Regulations associated with this bylaw.*

*The terms “no-touch” or “no-disturbance” in relation to a setback or buffer to resource areas means that no activities may take place within this designated area and that the area must remain in its natural condition. Activities excluded from these areas include alteration of soils, mowing, removal of vegetation, construction, installation, stockpiling, or demolition activities.<sup>1</sup>, or similar.*

*The terms “no-structure” or “no-build” in relation to a setback or buffer to resource areas means that no structures as defined in this section of the bylaw, may be installed, constructed, or otherwise placed within the so designated areas.*

The term “**person**” shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term “**pond**” shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.

The term “**rare species**” shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

*The term “setback” shall refer to an area of land that is measured linearly out from the certified boundary of any resource area. These include a “no-touch” or “no-disturbance” setback to a resource area, or a “no-structure”/ “no-build” setback to resource areas.*

*The term “structure” shall refer to anything that is constructed, installed, or built from different interrelated parts with a fixed location on or inserted into the ground. Structures related to projects that require a Conservation permit include, but are not limited to, buildings, houses, sheds, residential garages, dumpster enclosures, animal shelters, corrals, athletic courts or rinks, driveways whether paved or otherwise covered, accessory structures such as room additions, decks, patios, exterior retaining or stone walls, fences, sanded play areas, utility sheds, inground and above ground pools, full foundations, knee wall foundations, slab foundations and similar, sono-tubes and other structural supports, and any other item that alters any soils*

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<sup>1</sup> *Examples of accepted activities include removal of invasive species under MA DEP guidelines or manual removal of trash, debris, or branches/broken or damaged trees from severe storm events.*

on a site. Other examples of structure may be found in the Rules and Regulations associated with this Bylaw.

The term “**vernal pool**” shall include, in addition to scientific definitions found in the ~~regulations~~ **Regulations** under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by **Natural Heritage and Endangered Species Program** ~~the~~ (Massachusetts Division of Fisheries and Wildlife). The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression. Regulations promulgated by the Conservation Commission will address the protection of the vernal pool habitat surrounding the vernal pool, **including buffer zone areas, riverfront area, no-touch and no-structure setback distances.** 5

Except as otherwise provided in this bylaw or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

#### **X. ~~Security~~ SECURITY AND FUNDS HELD IN ESCROW**

As part of a permit issued under this bylaw, in addition to any security funds required by any other municipal or state board, agency, or official, the Conservation Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work **such as replication or restoration of resource areas and/or their associated buffer zones**) be secured wholly or in part by one or both of the methods described below:

- A. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a ~~COE~~ **Certificate of Compliance** for work performed pursuant to the permit. These funds shall be held by the Town Treasurer in an Escrow Account ~~which is non interest bearing~~, and shall be released upon successful completion of the requirements as established for each account.
- or**
- B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

#### **XI. ~~Enforcement~~ VIOLATION WARNINGS AND ENFORCEMENT**

**The Conservation Commission through its Conservation Agent shall inspect, enforce, and maintain the integrity of the permits issued by the Conservation Commission. Any applicant or other person who violates the conditions within the Commission’s permits is subject to Violation Warning Letters or Violation Orders, Enforcement Orders, Cease and Desist Orders, and is subject to the imposition of monetary fines, or revocation of permits.**

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill,

or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under G.L. Ch. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the ~~Selectmen~~ **Hanover Select Board** and ~~Town counsel~~ **Counsel** shall take legal action for enforcement under civil law. Upon request of the Commission, the ~~chief~~ **Hanover Chief** of ~~police~~ **Police** shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission **and its Agent** in enforcement.

***If it is determined that a violation issue or issues are significant and impactful enough for the imposition of a fine, then by a majority vote of the Commission at a duly posted meeting of the Conservation Commission, the following shall apply<sup>2</sup>:*** Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than \$300 each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40 §21D.

#### ~~XII. Burden of Proof~~ **BURDEN OF PROOF**

~~The applicant for a permit~~ **Applicants so desiring a permit for work within the Commission's jurisdiction** shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the ~~permit~~ application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions **additional to its standard set of conditions.**

#### ~~XIII. Appeals~~ **APPEALS**

A decision of the Conservation Commission shall be reviewable in the Superior Court in accordance with M.G.L. Ch. 249 §4, or in Land Court in instances where Land Court has jurisdiction. **(All appeals to the State portion of Conservation permits require actions so listed within the Wetlands Protection Act- M.G.L. Ch. 131 §40.)**

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<sup>2</sup> **For violations of permits issued under the Act as well as this Bylaw, MA DEP may impose additional fees and fines as per MGL, c.131s. 40.**

~~XIV. Relation to the Wetlands Protection Act~~ **RELATION TO THE WETLANDS PROTECTION ACT**

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (M.G.L. Ch. 131 §40) and **its associated** regulations (310 CMR 10.00) thereunder. It is the intention of this bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

~~XV. Severability~~ **SEVERABILITY**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Hanover Conservation Commission  
Hanover Conservation Agent  
CDMI Director

**ARTICLE 51. AMEND GENERAL BYLAWS §4-12 – CONSERVATION COMMISSION**

To see if the Town will vote to amend the Town's General Bylaws §4-12 as follows:

Adding new §2(2) to §4-12 as follows:

**(2) Administer §6-14 (Wetlands Protection Bylaw) of the General Bylaws of the Town of Hanover**

or take any other action relative thereto.

Conservation Commission

**ARTICLE 52. TRANSFER OF TOWN OWNED LAND, (611 WEBSTER STREET), TO THE CONSERVATION COMMISSION TO BE HELD FOR CONSERVATION, PASSIVE RECREATION AND OR HISTORIC PRESERVATION PURPOSES IN PERPETUITY**

To see if the Town will vote to authorize and direct the Board of Selectmen to transfer the care, custody, maintenance and control of a Town-owned parcel of land located on Webster Street, Assessor's Parcel: 9-41, totaling 3.5 acres, to the Conservation Commission, to be held for conservation, passive recreation and/or historic preservation purposes in perpetuity, and to authorize and direct the Board of Selectmen to request Town Counsel prepare the appropriate documents for recording to transfer care to the Commission, in the deed, or take any action relative thereto.

By Petition: Anne E. Manna  
Anthony G. Mana  
Emma Coronella  
Michael Coronella  
Kristen Penza