

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 1st 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 (\$500,000)	School Superintendent
12	PEG Access & Cable Related Fund (\$475,000)	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 Winter Fest and Hanover Day (\$50,000)	Town Manager

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18	Appropriate Funds – HFD Command Vehicle (\$80,000)	Fire Chief/Town Manager
19	Appropriate Funds – HPD Cruisers x 2 (\$150,000)	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
24	Appropriate Funds – Three (3) DPW Vehicles and Vehicle Lift (\$540,000)	Director of Public Works
25	Appropriate Funds – Middle School Water Main (\$500,000)	Director of Public Works
26	Appropriate Funds – Air Stripper Replacement (\$350,000)	Director of Public Works
27	Appropriate Funds – King Street Water Main (\$875,000)	Director of Public Works
28	Street Acceptance – Wood Hollow Way	Director of Public Works
29	Appropriate Funds – Affordable Housing Trust	Community Preservation Committee/Affordable Housing Trust
30	Appropriate Funds – Forge Pond Park Lighting Project	Community Preservation Committee/Parks and Recreation Committee/Hanover Youth Athletic Association
31	Appropriate Funds – Historical Society Library & Archives Preservation Materials	Community Preservation Committee/Hanover Historical Society

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	ISSUE	SUBMITTED BY
32	Appropriate Funds – Stetson House Gardens & Grounds Restoration	Community Preservation Committee/Hanover Historical Society
33	Appropriate Funds – Stetson House Lower Barn Stone Wall Restoration	Community Preservation Committee/Hanover Historical Society
34	Appropriate Funds – Weights & Measures Cabinet Restoration	Community Preservation Committee/Historical Commission
35	Amend Zoning Bylaws Section 2.100 Definitions	Planning Board
36	Amend Zoning Bylaws Section 5.040 Grandfathered Project Approvals	Planning Board
37	Amend Zoning Bylaws Section 13.200 Limitations on Variance or Special Permit Grants	Planning Board
38	Petition Article to Prohibit Digital Message Boards, Internally Illuminated and Moving Signs	Petition
39	Revised Article to Prohibit Digital Message Boards, Flashing and Moving Signs	Petition
40	Amend Sign Bylaws Article 5 Delete Language under Section 5.1.1	Planning Board
41	Amend Zoning Bylaws Insert New Section 5.900 Permit for Digital Message Boards	Planning Board
42	Amend Zoning Bylaws – Section 6.100(G) Accessory Building and Uses	Planning Board
43	Amend Zoning Bylaws – Section 5.300 Accessory Structures	Planning Board
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	ISSUE	SUBMITTED BY
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48	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
49	General Bylaws – Amendments to §6-14 Wetlands Protection	Conservation Agent/Conservation Commission
50	General Bylaws – Amendments to §4-12 Conservation Commission	Conservation Commission
51	Transfer of Town Owned Land 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 1st, 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>FY2023 Appropriated</i>	<i>FY2024 Requested</i>	<i>\$ Change</i>	<i>% Change</i>
General Government:				
Salaries	\$271,538.00	\$272,843.00	\$1,305.00	0.48%
Expenses	\$167,400.00	\$165,922.00	\$(1,478.00)	-0.88%
Finance Department:				
Salaries	\$837,381.00	\$860,723.00	\$23,342.00	2.79%

Expenses	\$219,672.00	\$209,870.00	\$(9,802.00)	-4.46%
Community Development and Municipal inspections:				
Salaries	\$606,275.00	\$624,463.00	\$18,188.00	3.00%
Expenses	\$32,800.00	\$28,800.00	\$(4,000.00)	-12.20%
Community Services:				
Salaries	\$269,819.00	\$121,816.00	\$(148,003.00)	-54.85%
Expenses	\$204,980.00	\$210,664.00	\$5,684.00	2.77%
Library:				
Salaries	\$474,236.00	\$491,776.00	\$17,540.00	3.70%
Expenses	\$148,500.00	\$142,960.00	\$(5,540.00)	-3.73%
Police:				
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%
Fire:				
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%
Hanover Public Schools	\$33,571,915.00	35,031,299.00	\$1,459,384.00	4.35%
South Shore Vocational High School	\$1,054,852.00	\$1,054,852.00	\$-	0.00%
Public Works:				
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%
Snow & Ice	\$500,000.00	\$500,000.00	\$-	0
Debt	\$4,328,274.00	\$4,248,170.00	\$(80,104.00)	-1.85%
Town Wide Expenses	\$9,725,140.00	\$10,356,684.00	\$631,544.00	6.49%
Transfers	\$125,000.00	\$125,000.00	\$-	0.00%
Total General Fund Operating Budget	\$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%

To be raised by the Fiscal Year 2024 Tax Levy and other sources	\$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
Appropriate for Direct Costs	\$4,571,595.00
Indirect - Reimburse General Fund for Shared Expenses	\$463,395.00
Total Cost - Water Enterprise	\$5,034,990.00

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 \$500,000 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	\$35,000
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 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 Hanover Street 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

c. 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 1st 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 1st 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 1st 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 1st 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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South Shore Regional Vocational School District Committee

Explanation: The regional Agreement, last updated in 2018, is being updated primarily to include the Town of Marshfield as a member of the regional school district, which would take effect July 1, 2024. Other changes to the agreement are outlined in the agreement on file in the Town Clerk's Office.

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

This article will provide scheduled replacement of three vehicles that are reaching the end of their expected life. In addition it will provide funds to replace a vehicle lift in the mechanic's work bay which is currently used to maintain and repair a variety of Town vehicles.

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

This article will replace the existing 8-inch water main in the driveway of the Hanover Middle School with a new 8-inch water main and a new water service. The existing water main was installed when the building was built. The water main has had two significant water breaks and the pipe thickness of the walls of the water main suggest the main may not support fire operations if needed. The proposed work will install a new ductile iron water main, a new 2-inch water service to the school to improve water quality, and restore the driveway and sidewalk going into the school.

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

This article will replace the air stripper at the Beal water treatment plant which is reaching the end of its expected life. The air stripper removes radon gas and carbon dioxide from the raw water at the Beal water treatment plant. The existing air stripper was installed when the plant was built in 1994, has had several leaks which have been repaired, and inspection of the unit has shown that the walls of the stripper are becoming too thin to successfully repair. Failure of the air stripper would result in the plant having to be taken out of service.

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.

DPW Director

This article will replace the existing 8-inch cast iron water main on King Street from Briarwood Drive to the Hanson town line with a new 8-inch cement lined ductile iron water main. The existing segment of water main is approximately 70-75 years old and is suspected of contributing to deteriorating water quality on the far end of King Street due to bleeding of iron and manganese deposits on the interior walls of the pipe. Additional water main replacement and or cleaning and lining of water mains on King Street and Circuit Street north of Forge Pond may be needed in the future to further improve water quality.

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.

DPW Director

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. 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

Background: These definitions were found to be needed in the daily review of zoning to clearly address uses and/or structures.

ARTICLE 36. 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

Background – Chapter 219 of the Acts of 2016 amended General Laws Chapter 40A, §6 by extending the time period for commencing construction or operations under a building or special permit from six months to twelve months. Revising Hanover Zoning Bylaw to be consistent with MA General Laws.

ARTICLE 37. 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

Background – Chapter 219 of the Acts of 2016 amended General Laws Chapter 40A, §6 by extending the time period for commencing construction or operations under a building or special permit from six months to twelve months. Revising Hanover Zoning Bylaw to be consistent with MA General Laws.

ARTICLE 38. 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 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 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 1/2) 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 1/2) 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.

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

ARTICLE 39. 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.

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

**ARTICLE 40. 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

Background: The Attorney General's Letter of 8/23/16 specifically noted the conflict of the language of a Special Permit requirement in a General Bylaw vs. a Zoning Bylaw. Special Permits fall within zoning under MGL chap. 40A section 9.

ARTICLE 41. 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

Background: In 2016, Hanover Annual Town Meeting amended the Sign Bylaw and the Attorney General in August of 2016 disapproved sections as it related to the issuance of a Special Permit. In 2022, the Planning Board was made aware the existing Sign Bylaw was never amended as required by the Attorney General. The Planning Board has proposed a separate article to delete Digital Message Boards out of the Sign Bylaw. The proposed Digital Message Board Bylaw is now proposed to be located in the Zoning Bylaw and additional language has been added for this new section as to criteria and findings by the Special Permit Granting Authority (Planning Board) who would be issuing Special Permits.

ARTICLE 42. 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

Background: Similar to residential uses, accessory structures in Business Districts are not subject to review unless the threshold of ZBL Section 10.030 is triggered. Review for parking, emergency accessibility, building and lot coverage should be performed through review process as to their impacts on adjacent properties.

ARTICLE 43. 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

Background: In residential districts, the Town has seen a recent trend of large detached accessory structures being constructed for a variety (non-agricultural) uses that are much larger than traditional accessory uses; Resulting in multiple large structures in single family neighborhoods and increasing overall building coverage on the lot with no review process as to their impacts.

ARTICLE 44. 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

Background: The existing zoning bylaw provides no definition for the medical uses described in Section 6.110 therefore as part of another proposed amendment Medical Health Care Facilities has been defined with a variety of new medical uses under Section 2.00. Today medical uses encompass different sectors of medicine and medical processes that are being located in both retail and commercial areas – greater review is needed as to their proposed locations due such uses being large traffic and parking generators.

ARTICLE 45. 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

Background: Medical Health Care Facilities have become significantly large parking generators because of the nature of the medical uses served. This is a companion amendment to the proposed amendment of Zoning bylaw Section 6.110, 6.130 and 6.220 as to the review of Medical Health Care Facilities.

ARTICLE 46. 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

Application Type/Permit Fee	Base Fee *	Additional Review
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)

Application Type/Permit Fee	Base Fee*	Additional Review
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 NOT 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 NO 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	\$1,000.00 base fee	\$6,000.00 Consultant Fee (MGL 53G) may be required by PB

because of structure size not use. (ZBL sec. 5.810 & 10.020)		
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 47. 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 48. 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 49. AMEND GENERAL BYLAWS §6-14 – WETLANDS PROTECTION

To see if the Town will vote to amend the Wetland 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 of the 2001 Wetland Protection Bylaw 6.14: in its entirety and replacing said text with the following:

#6.14: Wetlands Protection Bylaw

I. PURPOSE

The purpose of this bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Hanover by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect 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 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 (310CMR 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.

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.

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.

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; 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 exceptions provided in the Wetlands Protection Act (M.G.L. Ch. 131 §40) and regulations (310 CMR 10.00) shall not apply under this bylaw.

IV. APPLICATIONS AND FEES

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by 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 protected by 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.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request 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 shall include information and plans as are deemed necessary by the Commission.

At the time of the submission of any application, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and regulations. Pursuant to M.G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may 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

Any person filing a permit application, including but not limited to an RDA, ANRAD, or ANRAD with Simplified Review, Notice 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, 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 or across a body of water. Wording for said notice shall be approved by the Conservation Commission. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. 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 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.

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 Commission shall commence the public hearing within 21 days from receipt of a completed permit application, RDA, or ANRAD unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, 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.

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

Any person filing a permit application (NOI), RDA, or ANRAD with the Conservation Commission shall provide a copy thereof at the same time, by certified mail, or certificate of mailing, or by hand delivery, 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, with a copy of the public hearing notice mailed or delivered shall be filed with the Commission. The Commission shall notify all pertinent 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 Commission, prior to final action.

VII. 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 Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The Commission also shall take into account any loss, degradation, isolation, and replacement 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.

If it issues a permit, the Commission shall impose conditions which the 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 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, 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.

The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it 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 (310 CMR 10.60).

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. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five 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. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission prior to expiration. 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, (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, and after a public hearing.

Amendments to permits, (OOC), DOAs, or ORADs shall be handled in the manner set out in the

Wetlands Protection Act regulations 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.

No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission with respect to such work has been recorded in the Registry of Deeds, or if the land affected is registered land, in the Registry Section of the Land Court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, 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.

VIII. Regulations

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when voted and filed with the 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.

IX. Definitions

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. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage, or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality
- E. Placing of fill, or removal of material, which would alter elevation
- F. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including cutting or trimming of trees and shrubs
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
- 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 “**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 “**vernal pool**” shall include, in addition to scientific definitions found in the 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 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.

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

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) 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 COC 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.
- 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

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 and town counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the chief of 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 in enforcement.

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

The applicant for a permit 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.

XIII. 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.

XIV. 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 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

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.

Conservation Commission

ARTICLE 50. 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 51. TRANSFER OF TOWN OWNED LAND 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