

ARTICLES FOR **ANNUAL** TOWN MEETING WARRANT,
Monday, May 7, 2012

ARTICLE 1. To see if the Town will 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. To hear reports of the Committees and State Officials, and act thereon, or take any other action relative thereto.

Advisory Committee

ARTICLE 3. To see if the Town will authorize its Treasurer to accept such trust funds as may be placed in his or her hands during the Fiscal Year ending June 30, 2013, or take any other action relative thereto.

Town Treasurer
Board of Selectmen

ARTICLE 4. To see if the Town will vote to authorize its Treasurer/Tax Collector, with the approval of the Board of Selectmen, to dispose of such parcels of real estate as may have been, or may be taken by the Town under Tax Title foreclosure proceedings, or take any other action relative thereto.

Town Treasurer/Tax Collector
Board of Selectmen

ARTICLE 5. To see if the Town will authorize its Treasurer and Collector to enter into compensating balance agreements for the Fiscal Year ending June 30, 2013, pursuant to Chapter 44, Section 53F of the Massachusetts General Laws, or take any other action relative thereto.

Town Treasurer/Tax Collector

ARTICLE 6. To see if the Town will 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.

Board of Selectmen

ARTICLE 7. To see if the Town will vote to fix the pay of its elective officers as required by law as follows, or take any other action relative thereto.

Town Clerk
Moderator: Annual Meeting
Special Meeting

Advisory Committee

ARTICLE 8. To see if the Town will vote to raise and appropriate, or appropriate from available funds the sum of \$124,000, or another sum of money, to the School Sick Leave Buyback Fund, or take any other action relative thereto.

Advisory Committee
Hanover School Committee

ARTICLE 9. To see if the Town will vote to raise and appropriate, or appropriate from available funds the sum of \$175,000, or another sum of money, to the Town Sick Leave Buyback Fund, or take any other action relative thereto.

Advisory Committee
Board of Selectmen
Town Manager

ARTICLE 10. To see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow, such sums of money to budget and pay for town charges for the period July 1, 2012, through June 30, 2013, inclusive, or take any other action relative thereto.

Advisory Committee
Town Manager

ARTICLE 11. To see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow, such sums of money to budget and pay for the operation and expenses of the Water Department for the period July 1, 2012, through June 30, 2013, inclusive, or take any other action relative thereto.

Advisory Committee
Town Manager

ARTICLE 12. To see if the Town will vote to transfer from the undesignated fund balance the sum of \$122,066, or another sum, to the Public Education and Government (PEG) receipts reserved for appropriation account, or take any other action relative thereto.

Town Manager

ARTICLE 13. To see if the town will vote, as required annually, pursuant to the authority granted under special legislation and as otherwise authorized under MGL Ch 44, section 53E 1/2, to establish a recreation revolving fund for the purpose of supporting town recreational activities. All monies received by Department of Public Works for these recreation programs shall be credited to this fund. The Town Manager/Department of Public Works shall be authorized to expend from this fund to defray the expenses, direct and indirect, of the recreation department operated by the Department of Public Works and to further authorize that no more than \$500,000, or another sum, shall be expended from this fund during fiscal year 2013 and that this amount authorized is further limited in that expenditures shall not be made, or liabilities incurred, in excess of the balance of the fund, or take any other action relative thereto.

Town Manager

ARTICLE 14. 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 2013 as follows:

- 10% of the said revenues to be set aside for future appropriation for open space (other than open space for recreational use);
- 10% of the said revenues to be set aside for future appropriation for historic resources and
- 10% of the said revenues to be set aside for future appropriation for community housing;

said funds 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 15. To see if the Town will vote to amend the Zoning Bylaw for the Town in the manner described below, or, to see if the Town will vote to take any action relative thereto:

Amend the Hanover Zoning Bylaw, Section 6.020.C, by deleting the text thereof in its entirety and replacing said text so as to reenact said bylaw with the following text:

~~Section 6.020.C~~

- ~~C. Conversion of a dwelling that has existed for ten (10) years or more to allow for the inclusion of a second dwelling unit provided that:~~
- ~~1. the use is clearly incidental to and secondary to the primary use as a residence;~~
 - ~~2. the external appearance of the structure shall not be changed;~~
 - ~~3. there shall be sufficient floor area as specified in Section 7.610 of this Bylaw;~~
 - ~~4. septic disposal systems shall meet with the approval of the Hanover Board of Health; and~~
 - ~~5. no detached accessory buildings, including, but not limited to, garages or barns, shall be utilized for this purpose.~~

To be inserted in place of Section 6.020.C

C. ACCESSORY DWELLING UNITS (ADU)

1. Purpose

The purpose of this Bylaw is to enable owner occupants of single family homes to provide:

- a. Safe, decent, and affordable housing that meets the changing needs of the Hanover community while protecting the character and property values of the Town's single family dwellings;
- b. An opportunity for family members who choose to live in proximity, but separate from other family members;
- c. Homeowners with a means of obtaining rental income, companionship, and/or security, thereby enabling them to remain more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- d. Housing for persons with disabilities;
- e. Affordable rental property in the town of Hanover that meets the regulations of M.G.L. Chapter 40B, § 20 to 23 and 760 CMR 56.00, Local Initiative Program for Accessory Apartments that can be added to the Town's Subsidized Housing Inventory.
- f. This Bylaw shall achieve these goals by providing owner-occupants of single-family homes with the option of creating two categories of Accessory Dwelling Units: family units and affordable units.

2. Use and Dimensional Regulations for both Family and Deed-Restricted Accessory Dwelling Units

- a. Accessory Dwelling Units, both Family and Deed-Restricted, created under this by-law shall require a special permit from the Zoning Board of Appeals.
- b. The unit will be a complete, separate housekeeping unit containing both a kitchen and bath.
- c. Only one (1) accessory dwelling unit may be created within a dwelling.
- d. The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence, except for bona fide temporary absences.
- e. Unless otherwise required by the State Building Code, any new exterior stairs needed to provide primary or secondary means of egress for the accessory dwelling unit shall be located on the side or rear of the building.
- f. Off-Street parking spaces shall be available for the use by owner-occupants and tenants. The number of parking spaces required shall be as deemed appropriate by the Zoning Board of Appeals.

- g. The proposed attached dwelling unit shall contain no more than fifty percent (50%), inclusive of all lofts and any attic areas seven feet or greater in height, of the gross area contained in the primary residence, exclusive of all unfinished cellars and attics, or no more than one thousand square feet or area, whichever is less.
- h. An accessory dwelling unit may not have more than two (2) bedrooms.
- i. The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local Bylaws and regulations.
- j. In order to encourage the development of housing units for disabled individuals and persons with limited mobility, the Board of Appeals may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility.

3. Family Accessory Dwelling Units

In addition to Section 2 above, family accessory dwelling units shall comply with the following:

- a. Upon filing an application for a special permit, the owner-occupants of single-family dwelling units shall also submit a signed affidavit denoting familial status with the Board of Appeals.
- b. The owner-occupant shall annually re-certify the status of occupants and family status with the Building Commissioner. The property owner shall be required to notify the Building Commissioner of a change of tenants at any time during the twelve-month period within thirty calendar days of said change.

4. Deed-Restricted Accessory Dwelling Units

The purpose of this section is to satisfy an immediate need for more rental housing units in the Town of Hanover that meets the regulations of the M.G.L. Chapter 40B, § 20 to 23 and 760 CMR 56.00, Local Initiative Program for Accessory Apartments and provides a means of renting accessory apartments that are not used for family members.

In addition to Section 2 above all Deed restricted Accessory Dwelling Units shall comply with the following:

- a. A special permit from the Board of Appeals shall be required for an Affordable Accessory Unit. The applicant shall show to the satisfaction of the Board of Appeals that the applicant has complied with or will comply

with the requirements set forth in (b), below.

- b.** Applicants will be required to demonstrate to the satisfaction of the Zoning Board of Appeals compliance with all requirements set forth in M.G.L. Chapter 40B, Sections 20 to 23 and 760 CMR 56.00, Local Initiative Program for Accessory Apartments during the special permit process, including:
 - i.** Execution by the owner(s) of a Regulatory Agreement for Affordable Accessory Apartment Projects.
 - ii.** Said regulatory agreement and declaration of restrictive covenants shall further provide that for as long as the special permit remains in effect, the property shall be subject to the terms, conditions and restrictive covenants contained therein.
 - iii.** Said regulatory agreement with the Town shall provide that upon receipt by the owner(s) of a special permit from the Board of Appeals, the owner(s) shall execute and record in the Plymouth County Registry of Deeds forthwith said regulatory agreement and declaration of covenants.
 - iv.** Said regulatory agreement with the Town shall provide that the lease may be terminated at anytime, but in all cases the owner must provide an existing tenant at least 60 (sixty) days prior written notice that a lease will not be renewed. If the owner desires to terminate the special permit, the owner shall give written notice to the Board of Appeals and shall file a notice of cancellation with the Registry of Deeds or Land Court.
 - v.** Owners of property containing an accessory apartment shall be responsible for submission to the Building Commissioner or a monitoring agent contracted by the Town, including verification specifying the rental amount to be charged each month. Leases shall be issued for a period not to exceed one (1) year and submission of the required information must be provided prior to executing a lease to the Building Commissioner or monitoring agent.
 - vi.** Accessory apartments created under this provision shall only be rented to a person or persons meeting the guidelines for low income households, in accordance with the Massachusetts Department of Housing and Community Development Local Initiative Program (LIP). For purposes of this section, low-income persons shall have annual income of no more than eighty (80%) percent of median income as reported in the most recent LIP guidelines within the Hanover region.

- vii.** Rents hereunder shall not exceed the maximum permitted under the then current guidelines promulgated by the Massachusetts Department of Housing and Community Development Local Initiative Program (LIP).

5. Administration and Enforcement

It shall be the duty of the Building Commissioner as the Local Project Administrator, to administer and enforce the provisions of this Bylaw for both family and affordable (deed-restricted) accessory dwelling units as follows.

- a.** No building shall be constructed or changed in use or configuration until the Building Commissioner has issued a permit. No accessory dwelling unit shall be occupied until a certificate of occupancy has been issued by the Building Commissioner where required.
- b.** The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this by-law or in violation of the conditions or terms of any Special Permit or variance granted by the Zoning Board of Appeals or its agent.
- c.** Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this section unless the construction or use is begun within a period of not more than six (6) months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner.
- d.** The primary homeowner unit must remain owner-occupied, continuing to occupy at least one of the dwelling units as their primary residence. Under no circumstance may both the primary and accessory unit be simultaneously occupied by tenants.
- e.** There shall be no boarders or lodgers within either the primary dwelling or accessory dwelling unit.
- f.** Any accessory living area without proper documentation recorded and filed with the Town will be subject to fines noted in the Hanover Zoning Bylaw Section 12.500.
- g.** The Hanover Zoning Bylaw Section 12 – Administration shall be applied in the event of violations, prosecution of violations, and building fees.
- h.** Appeals shall refer to the procedures in the Hanover Zoning Bylaw Section 12.200.

- i. Accessory dwelling units created under this Bylaw shall not be sold separate or apart, as a condominium, from the principal structure to which it is an accessory use.

Amend the Hanover Zoning Bylaw Section 2.100 Definitions by adding the following definitions:

Accessory Dwelling Unit: An Accessory Dwelling Unit is a self-contained housing unit incorporated within a single-family dwelling, (not within accessory structures in accordance with this By-law) that is clearly a subordinate part of the single-family dwelling and complies with the criteria stated in the following subsections.

Deed-Restricted Accessory-Dwelling Units (Affordable): An Accessory Dwelling Unit designated for households earning at or below 80% of the Area Median Income for the Hanover area carrying a deed-restriction ensuring the unit's affordability to said households following M.G.L. Chapter 40B, 20-23 and 760 CMR 56.00, Local Initiative Program for Accessory Apartments.

Family Accessory Dwelling Unit: Family accessory dwelling units shall be designated for one or more persons related to the primary owner-occupant, specifically: parents, parents-in-law, grandparents, children and their respective spouses, grandchildren, siblings, nieces, nephews, aunts, and uncles.

Primary Residence: A dwelling where the owner-occupant has a true, fixed, and permanent home and principal establishment, and occupies it for a major portion of a calendar year, except for bona-fide temporary absences.

Building, Attached: A building having a substantial portion of one or more walls in common with an adjacent building.

Planning Board

ARTICLE 16. To see if the Town will vote to amend the Zoning Bylaw for the Town in the manner described below, or, to see if the Town will vote or take any other action relative thereto:

Section 6.230.A.5 and Section 6.230.A.6

- ~~5. There shall be no other use on the lot excepting that a secondary use may be permitted by the Planning Board but only if it is closely related to and clearly incidental to the primary use under this Section.~~
- ~~6. Gas pumps, canopies, air meters or similar accessory equipment shall be considered structures for the purposes of lot coverage, density, setback and yard requirements.~~

Amend the Hanover Zoning Bylaw, by rewriting Section 6.230.A.5 and adding a new Section

6.230.A.5.a and inserting Section 6.230.A.6 and renumbering the existing Section 6.230.A.6 to Section 6.230.A.7 as follows or:

5. There shall be no other use on the lot excepting that a secondary use may be permitted by the Planning Board but only if it is closely related to *and/or* clearly incidental to the primary use under this Section.
 - a. Gross Floor Space for incidental use only shall not exceed 250 square feet.
6. Additional retail use may be allowed as secondary to a gas station only, provided that:
 - a. There shall be no repairs, or service of any vehicles on the site.
 - b. There shall be no storage of motor vehicles, appliances or equipment associated with vehicle repair allowed on the site.
 - c. Secondary retail use shall be limited to convenience stores only and shall be limited to the sale of certain items as determined by the Planning Board.
7. Gas pumps, canopies, air meters or similar accessory equipment shall be considered structures for the purposes of lot coverage, density, setback and yard requirements.

Planning Board

ARTICLE 17. To see if the Town will vote to raise and appropriate, appropriate from undesignated fund balance, or borrow in accordance with Massachusetts General Laws, or any other enabling act, the sum of \$95,500.00 or another sum, to the Public Safety Vehicle Account as authorized under Article #32 of the 1983 Annual Town Meeting. The amount will be for the purchase, lease, or lease purchase of three police vehicles and to authorize related trade-ins or to be sold by sealed bid, said funds to be expended for the purposes stated herein at the direction of the Town Manager, or take any other action relative thereto.

Chief of Police
Town Manager

ARTICLE 18. To see if the Town will vote to raise and appropriate, appropriate from undesignated fund balance, or borrow in accordance with Massachusetts General Laws, or any other enabling act, the sum of \$175,000 or another sum, to purchase and equip an all wheel drive squad and to authorize any related trade-ins or to be sold by sealed bid. Said funds to be expended at the direction of the Town Manager, or take any other action relative thereto.

Fire Chief
Town Manager

ARTICLE 19. To see if the Town will vote to raise and appropriate, appropriate from undesignated fund balance, or borrow in accordance with Massachusetts General Laws, or any

other enabling act, the sum of \$37,000 or another sum, to the Public Safety Vehicle Account authorized under Article #32 of the 1983 Annual Town Meeting. The amount will be for the purchase, lease or lease purchase of the Fire Department Command Vehicle and to authorize related trade-ins or to be sold by sealed bid, said funds to be expended at the direction of the Town Manager, or take any other action relative thereto.

Fire Chief
Town Manager

ARTICLE 20. To see if the Town will vote to raise and appropriate, appropriate from undesignated fund balance, or borrow in accordance with Massachusetts General Laws, or any other enabling act, the sum of \$70,000 for a One Ton Dump Truck for the Department of Public Works, or take any other action relative thereto.

Town Manager
Department of Public Works

ARTICLE 21. To see if the Town will vote to transfer from available funds, raise and appropriate, appropriate from undesignated fund balance, or borrow in accordance with Massachusetts General Laws, or any other enabling act, the sum of \$35,000 for a Water Service Van for the Water Department, or take any other action relative thereto.

Town Manager
Department of Public Works

ARTICLE 22. To see if the Town will vote to transfer from available funds, raise and appropriate, appropriate from undesignated fund balance, or borrow in accordance with Massachusetts General Laws, or any other enabling act, the sum of \$24,000 for an Infield Groomer for the Department of Public Works, or take any other action relative thereto.

Town Manager
Department of Public Works

ARTICLE 23. To see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow in accordance with the Massachusetts General Laws, the sum of \$510,000, or another sum, to remove carpets, abate tile, install moisture barrier system, and replace tile in downstairs rooms and common areas at the Middle School to include purchasing, repair, replacement, disposal, installation and related costs, funds to be expended for the purposes stated herein at the direction of the Town Manager, or take any other action relative thereto.

Hanover School Committee
Town Manager

ARTICLE 24. To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$100,000, or another sum, for a Center School feasibility study and related studies, designs, funding applications, or other pertinent expenditures, said funds to be expended for the purposes stated herein at the direction of the Town Manager, or take any other action relative thereto.

Town Manager

Hanover School Committee

ARTICLE 25. To see if the Town will vote to transfer from available funds, raise and appropriate, appropriate from undesignated fund balance, or borrow in accordance with Massachusetts General Laws, or any other enabling act, the sum of \$20,000 for Snow Guards to be installed on the Library roof, or take any other action relative thereto.

Town Manager

ARTICLE 26. To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$45,000, or another sum, for Police Station HVAC replacement and related renovations, or take any other action relative thereto.

Chief of Police
Town Manager

ARTICLE 27. To see if the Town will vote to raise and appropriate, appropriate from undesignated fund balance, or borrow in accordance with Massachusetts General Laws, or any other enabling act, the sum of \$25,000, or another sum, to install insulation at the Fire Station Headquarters, or take any other action relative thereto.

Fire Chief
Town Manager

ARTICLE 28. To see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow in accordance with the Massachusetts General Laws, the sum of \$35,000, or another sum, for the installation of smoke doors at the Middle School that will be tied into the fire alarm system to include purchasing, repair, replacement, disposal, installation, and related costs, funds to be expended at the direction of the Town Manager, or take any other action relative thereto.

Hanover School Committee
Town Manager

ARTICLE 29. To see if the Town will vote to appropriate from undesignated fund balance, the sum of \$115,000, or another sum, for School Special Education Expenses to be expended by the School Committee for this purpose, and further that any unexpended balances at the end of the fiscal year shall remain in this account and not return to the general funds of the Town without a vote of Town Meeting, or take any other action relative thereto.

Town Manager
Hanover School Committee

ARTICLE 30. To see if the Town will accept Massachusetts General Law Chapter 40 Section 13 relative to establishing an insurance fund entitled the "Municipal buildings insurance fund" and to vote to raise and appropriate, or appropriate from available funds, to said fund the amount of \$20,000, or another sum, or take any other action relative thereto.

Town Manager

ARTICLE 31. To see if the Town will vote appropriate from undesignated fund balance, the sum of \$20,000, or another sum, for public safety employee training, and further that any unexpended balances at the end of the fiscal year shall remain in this account and not return to the general funds of the Town without a vote of Town Meeting, or take any other action relative thereto.

Town Manager

ARTICLE 32. To see if the Town will vote to delete General Bylaw Section 4-13, dissolving the Capital Improvement Committee which is no longer needed due to the Town Manager Act, or take any other action relative thereto.

Advisory Committee
Board of Selectmen
Town Manager

ARTICLE 33. To see if the Town will vote to name a parcel of land on Circuit Street “Denham Pond Trails.” The land is identified as Lot #22A on Assessor’s Map #53, or take any other action relative thereto.

Open Space Committee

ARTICLE 34. To see if the Town will vote, pursuant to Article 41 of the 2010 Annual Town Meeting, Bylaw 3-1 Section 17, to name the garden at the rear of Town Hall “The Town Hall Memorial Garden” in memory of Town Hall employees who died while in service to the Town, or take any other action relative thereto.

Board of Selectmen
Town Manager

ARTICLE 35. To see if the Town will vote to add the following item under the General Bylaws of the Town Meeting 3-2 section 7, “The Town Manager shall be allowed to speak at all Town Meetings”, or take any other action relative thereto.

Bylaw Review Committee
Town Moderator
Board of Selectmen

ARTICLE 36. To see if the town will vote to amend the General Bylaws, IV.4-1, Advisory Committee by deleting the words, “with the approval of the majority of the Selectmen” from Section 2, or take any other action relative thereto.

Town Moderator

ARTICLE 37. To see if the Town will accept Massachusetts General Law Chapter 64L Section 2(a) to implement a local meals excise tax, or take any other action relative thereto.

Board of Selectmen

ARTICLE 38. To see if the Town will vote, as required annually, pursuant to the authority granted under Massachusetts General Law Chapter 44, Section 53E 1/2 , to establish a revolving

fund for the purpose of receiving revenues and making disbursements to defray the expenses for the Greater Attleboro Taunton Transit Authority (GATRA), or another qualified transportation service. All monies received for this transportation program shall be credited to this fund. The Town Manager/Community Services Department shall be authorized to expend from this fund to defray the expenses, direct and indirect, for this service. No more than \$50,000.00, or another sum, shall be expended from this fund during fiscal year 2013 and that this amount authorized is further limited in that expenditures shall not be made, or liabilities incurred, in excess of the balance of the fund, or take any other action relative thereto.

Town Manager

ARTICLE 39. To see if the Town will vote to raise and appropriate, appropriate from available funds, an amount of money to fund three months of expenses to the GATRA revolving fund, or take any other action relative thereto.

Town Manager

ARTICLE 40. To see if the Town will vote to approve special legislation to establish a means tested senior citizen property tax exemption, or to see if the Town will vote to take any other action relative thereto.

Board of Selectmen
Town Manager

ARTICLE 41. To see if the Town will vote to authorize the Town acting through the Board of Selectmen to enter into agreement(s) with the Commonwealth of Massachusetts or any other entity relative to leasing, lease/purchase, purchase or receive in gift, land for the use of or ownership of the old railroad section in West Hanover for the purposes of walking trails, or take any other action relative thereto.

Board of Selectmen
Town Manager

ARTICLE 42. 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 \$100,000, from the Town's Community Preservation Historical Preservation Reserve Fund, for "The Restoration and Preservation of the Historic Albert White Barn", said funds 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 43. 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 \$2,875.00, from the Town's Community Preservation Undesignated Reserve Fund, for "The Preservation of the Roof of the Stetson House and Historic Out Buildings on the Stetson House Property", within the scope approved by the Community Preservation Committee and as approved by this Town Meeting, said funds to be expended for the purposes stated herein by the Town Manager or take any other action relative thereto.

Community Preservation Committee

ARTICLE 44. To see if the Town will vote to amend the General Bylaws for the Town in the manner described below, or, to see if the Town will vote to take any action relative thereto:

Add Section 4-24 Affordable Housing Trust Board of Trustees

There shall be a Board of Trustees established under Chapter 44, Section 55C of the Massachusetts General Laws composed of seven (7) Trustees, which shall include at least one (1) member of the Board of Selectmen, two (2) members of the Housing Authority, one (1) member of the Community Preservation Committee and three (3) at-large members. The initial terms of the Trustees shall be staggered as one (1) or two (2) year terms. The Trustees shall be appointed by the Board of Selectmen for a term not to exceed two (2) years, such term to end on June 30 of the expiration year or until such time as a successor is appointed, should a successor appointment be delayed. Only persons who are residents of the Town of Hanover shall be eligible to hold the office of Trustee other than the Chief Executive Officer if he or she is not a member of the Board of Selectmen. Any Trustee other than the Chief Executive Officer if he or she is not a member of the Board of Selectmen who ceases to be a resident of the Town of Hanover shall cease to be a Trustee hereunder and shall promptly provide a written notification of the change in residence to the Board and to the Town Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. No such appointment shall be required so long as there are five Trustees in office. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees.

The purpose of the Trust is to provide for the creation and preservation of affordable housing in the Town of Hanover for low- and moderate-income households. The Board of Trustees shall adhere to all provisions of the Declaration of Trust as established by the vote of Hanover May 2009 Town Meeting under Article 69.

Affordable Housing Trust

ARTICLE 45. 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 a sum of \$250,000, from the Town's Community Preservation Funds. \$100,000 to be appropriated from the Community Housing Reserve Fund and \$150,000 to be appropriated from the Community Preservation Undesignated Reserve Fund to be transferred to the Hanover Affordable Housing Trust to provide for the creation and preservation of affordable housing in Hanover, said funds 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 46. 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 \$80,000., from the Town's Community Preservation Undesignated Reserve Fund, for "Preservation and Restoration of The Town's Historic Cemeteries", said funds to be expended for the purposes stated herein within the scope approved by the Community Preservation Committee and as approved by this Town Meeting, by the Town Manager or take any other action relative thereto.

Community Preservation Committee

ARTICLE 47. 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 \$16,500 from the Town's Community Preservation Undesignated Reserve Fund, for "The Historical Society Collection Preservation, Restoration, and Inventory Control", said funds 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 48. To see if the Town will vote to amend the Zoning Bylaw for the Town to adopt the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) in accordance with the National Flood Insurance Act of 1968, in the manner described below, or, to see if the Town will vote to take any action relative thereto:

By deleting the text of Section 3.120 (A) & (B) and Section 6.700 in its entirety and replacing said sections with the following:

3.120 Maps currently in effect for the overlay districts are on file with the Town Clerk and consist of:

A. Flood Plain Overlay District Map as follows:

1. Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA), consisting of panel numbers 25023C0094J, 25023C0111J, 25023C0113J, 25023C0114J, 25023C0118J, 25023C0182J, 25023C0184J, 25023C0201J, 25023C0202J, 25023C0203J, and 25023C0206J, dated July 12, 2012.

B. The Aquifer Protection Zone as delineated on the Zoning Map identified in Section 3.110, above.

6.700 – FLOOD PLAIN DISTRICT

The Flood Plain Protection District is intended to provide that land subject to seasonal or periodic flooding shall not be used for residential or other purposes when such use will endanger

the health and safety of the occupants thereof, or of the public generally; to assure the continuation of the natural flow pattern of water courses necessary to provide adequate and safe flood water storage capacity to protect persons and property against the hazards of flood inundation; to protect, preserve and maintain the water table and water recharge areas so as to preserve present and potential water supplies; and to preserve the natural character of land within the District.

6.710 Applicability

The Flood Plain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Hanover designated as Zone A, AE, and AH on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Hanover are panel numbers 25023C0094J, 25023C0111J, 25023C0113J, 25023C0114J, 25023C0118J, 25023C0182J, 25023C0184J, 25023C0201J, 25023C0202J, 25023C0203J, and 25023C0206J dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk (*and anywhere else they may be on file*)

6.720 Restrictions

Within a Flood Plain Protection District no building, wall, dam, bridge or other structure shall be erected, constructed, altered, enlarged, otherwise created, or moved for any residence or other purpose, except as provided in this Section.

The Flood Plain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

6.730 No dumping, filling, excavating or transferring of any material, including, but not limited to, trash, rubbish, garbage or other waste materials, gravel, sand or loam shall be allowed or permitted, except as provided in this Section.

6.740 In the floodway designated on the Flood Insurance Rate Map, all encroachments, including fill, new construction, substantial improvements to existing structures and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood. Any encroachment meeting the above standard shall also comply with the flood plain requirements of the Massachusetts State Building Code (780 CMR), as amended.

6.750 Within Zone A as designated on the Flood Insurance Rate Map and where the base flood elevation is not provided, the applicant shall obtain any base flood elevation data and shall provide it to the Planning Board for review and approval. The applicant shall provide evidence that it can meet the elevation or flood-proofing requirements, as appropriate, of the Massachusetts State Building Code, as amended.

6.760 Uses Allowed: The following uses are allowed in a Flood Plain District:

- A. Conservation of soil, water, plants and wildlife.
- B. Any woodland, grassland, wetland or agricultural use of land not requiring filling or excavating.
- C. Forestry, grazing, farming, nurseries, truck gardening and harvesting of crops not requiring filling or excavating.
- D. Proper operation and maintenance of dams and other water control devices, including temporary alteration of the water level for emergency purposes.
- E. Accessory uses, such as flower or vegetable gardens, lawns, pasture or forestry areas.
- F. Emergency repair and ordinary maintenance undertaken by the Town or the Commonwealth of Massachusetts within a public right-of-way in existence at the time of adoption of this Section.

6.770 Uses Permitted by Special Permit

The following uses are permitted upon the granting of a Special Permit from the Planning Board, acting as the Special Permit Granting Authority, subject to the procedure established in Section 6.790:

- A. Construction, operation and maintenance of dams and other water control devices.
- B. Bridges and like structures providing passage between lands of the same owner, provided that such bridges and structures shall be constructed, maintained and used at the expense and risk of such owner.

- C. Recreation, including boating, fishing, hunting (where legally permitted) and landings not requiring fill or excavating.
- D. Driveways and roads, but only where alternative means of access are impractical.
- E. Accessory structures for uses allowed, permitted or exempted in Sections 6.760, 6.770 and 6.780 provided that all such construction complies with the provisions of the Massachusetts Building Code (780 CMR), as may be amended.

6.780 Exemptions

The following exemptions shall apply in a Flood Plain District:

- A. Existing buildings and structures within the Flood Plain Protection District may be repaired, rebuilt, modified or flood-proofed, for uses that are allowed or permitted or are legally pre-existing, non-conforming in the underlying zoning district within which the land is situated in accordance with Section 4 provided that such repairs or modifications are accomplished in a manner which does not increase ground coverage and provided that all such construction complies with the provisions of the Massachusetts Building Code (780 CMR), as may be amended.
- B. Any building for which a building permit was issued, or a notice of intent under Section 40 of Chapter 131 of the Massachusetts General Laws was filed, prior to the date of adoption of this Section of the Bylaw may be constructed and built in accordance with plans lawfully approved and thereafter may be repaired, rebuilt, modified or flood-proofed in a manner which does not increase ground coverage.

6.790 Procedure

Any person seeking a Special Permit pursuant to Section 6.770, above, shall submit to the Planning Board twelve (12) copies of an application for a Special Permit to undertake such an action within the Flood Plain Protection District. The Planning Board shall transmit one (1) copy of the application to the Board of Health and to the Conservation Commission.

- A. The Planning Board shall not approve plans submitted for a Special Permit unless it has received a report from the Board of Health and the Conservation Commission, or thirty-five (35) days have elapsed after transmittal of said application without receipt of such a report.
- B. The Planning Board shall hold a public hearing in accordance with the provisions of Section 11 of Chapter 40A of the Massachusetts General Laws within sixty-five (65) days of the filing of a plan for approval under this Section.
- C. The Planning Board may approve plans submitted under this Section if it finds that, in addition to the purposes established above, the plans make adequate provisions for all of the following:

1. the protection, preservation and maintenance of the water table and water recharge areas;
 2. the preservation of the natural river channel plus sufficient width of over bank areas for the passage of flood flows;
 3. the retention of existing flood water storage capacity;
 4. the design of proposed construction in a manner which ensures anchoring to prevent flotation, collapse and/or excessive movement of the structure; and
 5. the design of public utilities in a manner which will minimize or eliminate flood damage.
- D. The Planning Board may approve plans submitted in accordance with the above if it finds that the land to be utilized is:
1. not within the Flood Plain Protection District due to location and/or elevation;
 2. not subject to flooding;
 3. capable of providing suitable drainage conditions for any use which would otherwise be allowed or permitted in the underlying zoning district; and
 4. such that it does not interfere with the general purposes for which the Flood Plain Protection District is established.
- E. Except for Uses Permitted under Section 6.770A., B. & D., above, no approval shall be granted for construction within either twenty-five (25) feet of the centerline of any brook, stream or river or twenty-five (25) feet of the high waterline of any water body, whichever is greater.
- F. Any person who wishes to obtain approval of plans for one of the above reasons shall submit, as part of an application for Special Permit submitted in accordance with this Section, a plan certified by a registered Land Surveyor for the lot on which said structure is intended to be constructed showing elevations of land contours at one (1) foot intervals to the same base as that utilized in preparation of the Flood Plain Protection District maps.

Planning Board
Board of Selectmen

ARTICLE 49. To see if the Town will vote, pursuant to Section 6-18 of the Hanover General Bylaws, as amended at the May 2008 Annual Town Meeting, to approve the addition of fees for Motor Vehicles, Sellers' License to the Board of Selectmen with an effective date of July 1, 2012, in accordance with the following table, and to allow the Board of Selectmen, to update the Fee Schedule on file with the Town Clerk accordingly, or take any other action relative thereto.

Number of Cars on License 400 – 499	Add a fee in the amount of \$3,000.00”
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Number of Cars on License 500 – 599	Add a fee in the amount of \$4,000.00”
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Board of Selectmen

ARTICLE 50. To see if the Town will vote, pursuant to Article 6-18 of the Hanover General Bylaws, as amended at the May 2008 Annual Town Meeting, to approve an increase in fees to accompany applications to the Board of Selectmen for a Special License (commonly referred to as a “One-Day Liquor License”) with an effective date of July 1, 2012 as shown in the table below, and to allow the Board of Selectmen, to update the Fee Schedule on file with the Town Clerk accordingly, or take any other action relative thereto.

Application Fee for Special License “One-Day Liquor License”	
Non-profit organizations	Change from \$0 to \$40.00 per application

Board of Selectmen

ARTICLE 51. To see if the Town will vote to authorize the Selectmen to accept a certain parcel of land of six (6) acres more or less off Winter Street listed on the Assessor’s Map as Map 76 – Lot 18 located between P.A. Landers and Ames Way, or take any other action relative thereto.

Board of Selectmen

ARTICLE 52. To see if the Town will vote to authorize the Treasurer/Collector, with the approval of the Selectmen, to accept on behalf of the Town a deed to any parcel of land in Hanover, in which all persons who have an interest in title join as grantors, in lieu of foreclosure of a tax title on such parcel. Provided however, that such deed in lieu shall only be accepted where there are no liens or encumbrances on the land other than those of the Town, (G.L. c.60 §77), or take any other action relative thereto.

Treasurer/Collector
Board of Selectmen

ARTICLE 53. To see if the Town will vote to transfer the name of the Edward M. Amaral Gymnasium from the “old” High School to the “new” High School Gymnasium, or take any other action thereto.

By Petition: Joseph Tokarz
Diane Hickey
Elizabeth Zinke
Christine Ashburn
Richard Ashburn

ARTICLE 54. To see if the Town will vote to rescind its vote under Article 28 of the May 2, 2011 Annual Town Meeting, and to direct the Hanover Historical Commission to appoint a Curtis School Task Force to conduct a comprehensive review, involving any applicable town departments, boards, committees, community groups, and private parties, of all available data and options for the building and land at 848 Main Street, including, but not limited to, repair renovation, alteration, adaptive reuse, sale or lease of structures. Said Task Force shall issue its report and recommendations no later than the next Annual Town Meeting, or take any other action in relation thereto.

By Petition: Christopher J. Haraden
Marilyn Haraden
Brian Burke
Marion Lally
Mary A. Ryan

ARTICLE 55. To see if the Town will vote to appropriate from the Overlay Reserve Fund for abatements the sum of \$162,154, or another sum, to the Stabilization Fund, or take any other action relative thereto.

Board of Selectmen
Board of Assessors
Advisory Committee
Town Manager

ARTICLE 56. To see if the Town of Hanover will vote to raise and appropriate or to transfer from available funds the sum of \$393,043 or another sum under and pursuant to Massachusetts General Laws Chapter 59, Section 21C, or any other enabling authority, which appropriation shall be contingent upon the passage of a Proposition Two and One-Half Override Vote for the purpose of funding the operating budgets of the Hanover Public Schools for the Fiscal year beginning July 1, 2012, or take any other action relative thereto.

Hanover School Committee

ARTICLE 57. To see if the Town will vote to authorize the Board of Selectmen 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, or take and other action relative thereto, 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.

Board of Selectmen
Board of Public Works
Town Manager

ARTICLE 58. To see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow in accordance with the Massachusetts General Laws, the sum of \$32,000, or another sum, for the purchase of a special needs van, purchasing and equipping to be at the direction of the School Committee which is authorized to trade-in or sell a vehicle, or take any other action relative thereto.

Hanover School Committee

ARTICLE 59. To see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow in accordance with the Massachusetts General Laws, the sum of \$90,000, or another sum, for the upgrade and installation of intercom systems at Center and Sylvester Schools to include purchasing, repair, replacement, disposal, installation, and related costs, funds to be expended at the direction of the School Committee, or take any other action relative thereto.

Hanover School Committee

ARTICLE 60. To see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow in accordance with the Massachusetts General Laws, the sum of \$1,020,000, or another sum, for the creating handicap accessibility at Sylvester School to include purchasing, repair, replacement, disposal, installation, and related costs, funds to be expended at the direction of the School Committee, or take any other action relative thereto.

Hanover School Committee

NOTICE FOR THE ELECTION OF OFFICERS
Hanover High School, Cedar Street,
on **SATURDAY, the 12th OF MAY 2012,**
then and there to act on the following:

To bring in their votes for each of the following:

- | | |
|----------------------------|---|
| For a term of five years: | One Planning Board Member
One Housing Authority Member |
| For a term of three years: | Two Board of Selectmen Members
Two School Committee Members
One Board of Assessors Member
One Board of Public Works Member
One Trustee for Public Library
One Board of Health Member |
| For a term of one year: | One Moderator |

Polls open from 8:00 A.M. to 6:00 P.M., unless otherwise ordered by the Town.
And you are hereby ordered to serve this Warrant by posting attested copies thereof seven days
at least before the time of said meeting.

Given under our hands this 26th day of March 2012.

Susan M. Setterland

Joseph P. O'Brien

Daniel A. Pallotta

Joseph R. Salvucci

John S. Barry

_____, 2012
Constable