

## Office Use Only

**Filed with Town Clerk**  
(Time Stamp)

**Case Number:** \_\_\_\_\_

**Decision Due:** \_\_\_\_\_

**Received By Board**  
(Date Stamp)

## Application Form

The undersigned hereby petitions (or appeals to) the Board of Appeals for a hearing and decision on the following:

### Applicant /Petitioner Information

<b>Name</b>	Town of Hanover, Parks & Recreation Committee
<b>Address</b>	550 Hanover Street, Hanover, MA 02339
<b>Telephone</b>	781-924-1913
<b>Fax (optional)</b>	
<b>Email Address (optional)</b>	ahill.2626@yahoo.com
<b>Owner of Record &amp; Address (provide Title)</b> <input checked="" type="checkbox"/> Same as Applicant <input type="checkbox"/> Other (Please identify name, address, and phone)	

### Application / Petition Type

#### Check appropriate box.

*In the instructions, see the Required Findings. Attach proof of the four (4) prerequisites in a detailed explanation along with any significant support or documentation.*

☐ Petition for Variance

☒ Application for Special Permit

☐ Application for Construction & Erection of Wireless Telecommunications Tower

☐ Application for Installation of Wireless Telecommunications Antennae on Existing Towers

☐ Notice of appeal from Order or Decision of Building Inspector or other Administrative Official Indicate date of order or decision being appealed here: \_\_\_\_\_ Title of Administrative Official: \_\_\_\_\_ (Attach a copy of the applicable order or decision hereto.)

☐ Notice of appeal from Order or Decision of Sign Officer as indicated in Hanover Sign Bylaw. Indicate date of order or decision being appealed here: \_\_\_\_\_ (Attach a copy of the applicable order or decision hereto, along with a copy of the original application for sign permit.)

### Project Locus & General Information

<b>Address(s)</b> (List All Street Numbers & Street Names)	253 King Street, Forge Pond Park
<b>Map &amp; Lot Number(s)</b> (Use "Two-Digit Dash Three-Digit" Format available from Assessors Office. Example: 12-345)	67-001
<b>Status of Wetlands (WPA - M.G.L. Ch. 31, S. 40)</b>	<input checked="" type="checkbox"/> Present On Property <input checked="" type="checkbox"/> Within 100 ft. <input type="checkbox"/> Not Applicable

Status of Flood Plain & Flood Zones	<input checked="" type="checkbox"/> Present On Property <input checked="" type="checkbox"/> Not Applicable
Status of Site Plan Review	<input type="checkbox"/> Required <input type="checkbox"/> Not Required <input type="checkbox"/> Limited Review Requested
Zoning District(s) (Check all that apply) (* Indicates Overlay District) († Proposed overlay for applicable projects)	<input checked="" type="checkbox"/> Residence A District <input type="checkbox"/> Planned Shopping Center District <input type="checkbox"/> Business District <input type="checkbox"/> Commercial District <input type="checkbox"/> Industrial District <input type="checkbox"/> Limited Industrial District <input type="checkbox"/> Fireworks District <input type="checkbox"/> Aquifer Protection Zone <input type="checkbox"/> Well Protection Zone * <input type="checkbox"/> Flood Zone * <input type="checkbox"/> Wireless Telecommunications District * <input type="checkbox"/> Village Planned Unit Development (VPUD) †

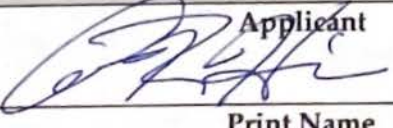
### Filing Details (List all Applicable By-Law Sections.)

This filing is to modify Special Permit 2009-7SP, which, under Bylaw Section 6.020.D, permitted the use of the property as a recreational complex for the Town. The proposal is to install lighting for the baseball and softball fields located in the complex. Eighteen light poles would be installed, eight to illuminate the three softball fields and ten to illuminate the three baseball fields. This proposal seeks to modify Special Condition No. 7 of Special Permit 2009-7SP, which requires the entrance gate at King Street to be closed overnight between sunset and sunrise; and states "if the applicant wishes at anytime to install lighting for after-hours use of the facilities, a lighting and operations plan must be submitted to the Zoning Board of Appeals for review and approval. Any proposed lighting fixtures at the facility shall be directed into the site and shall utilize "shoebox style" light cutoff fixtures to prevent glare to adjacent properties." Please see attached Project Narrative and Site Plan for additional information.

☒ Is this filing related to a current or pending filing before another Town Board or Department? If so, check here and provide reference information for such filing(s).

A Request for Determination of Applicability (RDA) is being filed with the Hanover Conservation Commission due to wetland resource areas being present on site. The wetland limits and associated buffer zones are shown on the Site Plan.

### Required Signatures

	
Applicant	Owner
Print Name	Print Name
Adam R. Hill	

## **Forge Pond Park Proposed Sports Field Lighting**

### **Project Narrative**

The Parks and Recreation Committee is seeking approval to install lighting at the baseball and softball fields at Forge Pond Park. The Special Permit (2009-7SP)<sup>1</sup> issued by the Hanover Board of Appeals in 2009, under Section 6.020.D, allowed for the playground and recreational facility use on the 66.63-acre property, which is located in the Residence A Zoning District. However, Special Condition No. 7 of the decision required that the applicant “install a gate at the proposed entrance to the property at King Street. The gate shall be closed overnight between sunset and sunrise.” The condition goes on to state “if the applicant wishes at any time to install lighting for after-hours use of the facilities, a lighting and operations plan must be submitted to the Zoning Board of Appeals for review and approval. Any proposed lighting fixtures at the facility shall be directed into the site and shall utilize ‘shoebox style’ light cutoff fixtures to prevent glare to adjacent properties.”

This application seeks to modify the original decision to allow for the proposed lighting of the baseball and softball fields. Eighteen light poles are proposed, eight around the three softball fields and ten around the three baseball fields. Included in this application are photometric plans from Cooper Lighting Solutions which have the specifications and proposed locations of the light poles and fixtures for each of the three proposed groups of fields proposed to be illuminated. Cooper included a line on the plans identifying the limit of light spread at 0.5 foot-candles which is the limit specified in the Zoning Bylaw. Also included in the application is a Site Plan, prepared by PGB Engineering, LLC which is an aerial photo of the facility and it shows the locations of proposed light poles, the 0.5 foot-candle light spread limit and wetland boundaries / buffer zones.

The Site Plan shows that the 0.5 foot-candle limit is maintained on Town property for the lighting proposed at the softball fields and the single, west, baseball field. The 0.5 foot-candle limit does extend off the property for the proposed lighting of the two, east, baseball fields. While the photometric model shows this light extending offsite onto land of John Schnyer, the model does not account for physical barriers, such as the trees and vegetation. There is a way, or paper street between the Forge Pond Park parcel and Mr. Schnyer’s parcel, which is wooded and light would likely not actually extend onto his property. We also note that this portion of Mr. Schnyer’s property is woodland. However, should Mr. Schnyer clear this portion of his property in the future and light trespass becomes an issue, the Town is committed to installing shields on the light fixtures at the baseball fields to block light trespass.

The proposed lights are anticipated to be used up to seven nights per week, but most likely only three to five times per week. Proposed lighting would begin in April/early May and end in mid-October. Hours of proposed lighting is anticipated to be from dusk to 10:00 PM.

---

<sup>1</sup> Copy of Special Permit 2009-7SP enclosed.



# Board of Appeals

TOWN OF HANOVER, MASSACHUSETTS 02339

(781) 826-0393

TOWN OF HANOVER

2009 JUL 22 P 6:41

## Written Record Decision

ZBA Case 2009-7SP

Name of Applicant:

Victor Diniak, Director  
Town of Hanover, Department of Public Works  
40 Pond Street  
Hanover, MA 02339

Application for:

Petitioner is requesting a special permit on behalf of the Town of Hanover to allow the 66.63-acre property off King Street to be used as a recreational complex for the Town, Section 6.020 (D) of the Hanover Zoning By-Law.

Property Location:

King Street, Hanover, Massachusetts 02339  
Plan 67 Assessors Map, Lot 1, Residence A District

Date of Hearing:

May 27, 2009

Board Conducting Hearing and Rendering Decision:

Chairman Eugene P. Beaupre, Matthew W. Perkins, David R. Delaney

Decision:

Grants

Vote of the Board:

Unanimous



The Zoning Board of Appeals by a unanimous vote taken by each of the voting members at a posted meeting held at the Hanover Town Hall on July 8, 2009 grants the requested special permit to Victor Diniak for the property located at King Street, Hanover, Massachusetts 02339, Plan 67 Assessors Map, Lot 1, Residence A District.

**Findings:**

In accordance with the Hanover Zoning Bylaw, Section 6.020, the Board finds for the proposed playground and recreational facility as follows:

1. the proposed use will not derogate from the intent of the Zoning Bylaw;
2. the proposed use will not interfere with the safety and privacy of adjoining properties; and
3. the proposed use will not cause an immediate or potential devaluation of property values of adjoining properties and the general area.

This matter came before the Board for a hearing on May 27, 2009 and was thereafter subject to discussion at the Board's open meetings on June 10, 2009, June 24, 2009 and July 8, 2009. At the initial matter, the petitioner presented a detailed engineering plan as well as the testimony of a registered engineer. To the extent abutters objected to the proposed project, the abutters did not present any expert engineering, traffic or other studies.

The petitioner established that the proposed use will provide adequate drainage for the project. To the extent this finding was challenged, no testimony, expert or otherwise, was presented to present a credible claim that the project's drainage would adversely impact the abutting properties. Furthermore, pursuant to the Special Condition 5 set forth below, the petitioner will be required to affirmatively establish that the stormwater management system is appropriate for the project. Finally, the Board notes that the proposed drainage system received approval from the Town of Hanover Conservation Commission.

Furthermore, the petitioner established that the proposed access to the project will provide the safest means of ingress and egress from the project. To the extent this finding was challenged, no testimony was presented to present a credible claim that the location of the entrance to the property would adversely impact the abutting properties. Furthermore, the location, maintenance and public safety issues pertaining to the access road, shall be subject to Special Conditions 1-3, 8 and 11, as set forth below.

As to the petitioner's application for a Special Permit, the Board finds that the existing use of the property was for open farmland in a residential district. The property is bordered by Forge Pond on one side and a residence on the other. The neighborhood itself is not densely populated and the structures are spread out. The proposed sports fields will be located well off King Street and the entrance to the project will be properly landscaped. The Board finds that the proposed use of the project as a recreational/sports facility is consistent with the district as it maintains open space with minimal impact to the abutting properties.

Secondly, per the proposed plan, the project itself will not impact the safety or privacy of adjoining properties. There will be adequate conservation and/or buffer areas surrounding the playing fields to protect the privacy of the neighboring properties. Furthermore, Special Conditions 6-9, 12 will further serve to guarantee the privacy of the adjoining properties. As for safety, the parking and egress/ingress issues are addressed above. Moreover, the park will be a dawn to dusk facility and will be gated after dusk per Special Condition 7, which will further alleviate any of the abutters' safety concerns. To the extent the abutters assert that the project will impact drainage or safety these objections, as set forth above, were not supported by credible testimony.

Finally, the Board finds that the proposed project will not devalue the property in the adjoining area. Rather, the facility will improve property values for the entire Town as it will provide the Town's residents with a first class, public, recreational facility. The Special Conditions, set forth below, will further serve to minimize any impact to the abutting properties.

**Special Conditions:**

1. In order to provide the maximum overall public safety for all pedestrians and vehicular traffic (both on and off site) the applicant shall provide a single main entrance to the proposed recreational facility off of King Street at the southern end of the property's frontage along King Street.
2. In order to maximize sight lines for vehicles exiting the site, the applicant shall clear all low vegetation between the existing stone wall along King Street and the paved roadway of King Street.
3. In order to ensure the safety of pedestrians and vehicles entering and exiting the site as well as to ensure safe vehicular travel on King Street the applicant shall install "No Parking" signs along the adjacent stretch of King Street on both sides of the street in accordance with any requirements of the Hanover Police Department.
4. The applicant shall install at least one fire hydrant in the vicinity of the Pavilion structure as required by the Fire Department to ensure adequate water supply in the event of an emergency.
5. The applicant shall install stormwater management systems, utilize Low Impact Development (LID) techniques and/or employ Best Management Practices (BMPs) so as to capture stormwater on paved surfaces and infiltrate stormwater effectively, and so as to prevent any increase in surface flow onto adjacent properties. The applicant shall provide to the Zoning Board of Appeals a finalized plan for the proposed overall layout and design of stormwater management systems, together with a long-term Operation and Maintenance Plan for all such facilities prior to the start of construction, stamped for approval by a Professional Engineer (P.E.).
6. The applicant shall meet with the Town Planner to determine adequate screening for 246 King Street (by way of landscaping or fencing) in order to address the headlights of vehicles leaving this site through the main entrance.
7. The applicant shall install a gate at the proposed entrance to the property at King Street. The proposed gate shall be closed overnight between sunset and sunrise. If the applicant wishes at any time to install lighting for after-hours use of the facilities, a lighting and operations plan must be submitted to the Zoning Board of Appeals for review and approval. Any proposed lighting fixtures at the facility shall be directed into the site and shall utilize "shoebox style" light cutoff fixtures to prevent glare to adjacent properties.

**ZBA Case 2009-7SP**

8. Use of the proposed facility shall be limited to a maximum of one (1) scheduled tournament or major event at any given time.
9. The applicant shall install a gate along the proposed access drive, just after the first parking lot area or in the vicinity of the Pavilion structure to allow for the rear portion of the site to be closed for vehicular traffic during winter months.
10. The applicant shall install any signage for the facility in accordance with the Hanover Sign Bylaw.
11. In order to ensure the safety of pedestrians and vehicles along the proposed drive the applicant shall install "No Parking" signs along both sides of the length of the proposed drive throughout the site. No parking shall be permitted by visitors or guests outside of designated parking spaces.
12. The applicant shall fill gaps in the existing stone walls and/or install plantings, fencing or other screening to prevent vehicles from entering or exiting the proposed recreational facility from any location along King Street or the north or south property lines other than by way of the main entrance. The applicant shall ensure that legal access by abutters to the existing right-of-way at the southern end of the site remains unobstructed.

Any person aggrieved by this decision may appeal to the Superior Court, or the Land Court, or to the District Court Departments of Plymouth County, Massachusetts praying that the decision of the Zoning Board of Appeals be annulled. Appeals shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date this decision was filed with the Town Clerk.

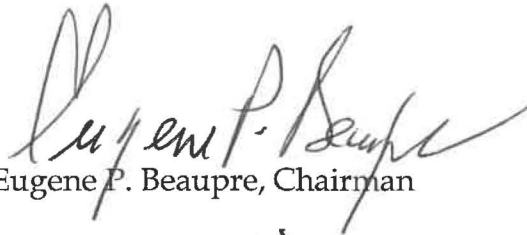
In order to grant a special permit the Board must find that the use shall not derogate from the intent of the Zoning By-Law, the use shall not interfere with the safety and privacy of adjoining properties, and the use shall not cause an immediate or potential devaluation of property values of adjoining properties and the general area.

Pursuant to Section 13.200 of the Hanover Zoning By-Law, any special permit 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 except for good cause or, in the case of a permit for construction, if constructions has not begun by such date except for good cause determined by the Zoning Board of Appeals.

**ZBA Case 2009-7SP**

A true copy of this decision will be filed on or before August 17, 2009 with the Town Clerk, Planning Board, and Building Inspector of the Town of Hanover, Massachusetts.

**ZONING BOARD OF APPEALS**



Eugene P. Beaupre, Chairman



Matthew W. Perkins



David R. Delaney