



COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HANSON  
INFORMATIONAL WARRANT FOR May 6, 2024 ANNUAL TOWN MEETING

**ARTICLE 17:** To see if the Town will vote to amend the Town of Hanson Zoning Map to include an MBTA Communities Multi-family Overlay District (MCMOD). The MCMOD consists of the following parcels (49-0-12, 50-0-101, 42-0-19K, 42-0-59, 42-0-56, 42-0-19J, 42-0-18, 42-0-17, 43-0-1, 42-0-11, 42-0-60A, 43-0-29, 43-0-30) as shown in the Informational Warrant and on file with the Town Clerk's office, and to amend the Town of Hanson Land Use Regulations Zoning By-law by adding Section VI(O) MBTA Communities Multi-family Overlay District (MCMOD) to meet the requirements of MGL Chapter 40A, Section 3A; or take any other action in relation thereto.

Proposed by the Planning Board

**Explanation:** The Town of Hanson is a Commuter Rail Community and as such must create one (1) district of reasonable size in which multi-family housing is permitted as of right in accordance with MGL 40A, Section 3A. The proposed district and zoning bylaws meet the requirements issued by the Commonwealth of Massachusetts Executive Office of Housing & Livable Communities (formerly the DHCD).

***M.G.L Chapter 40A Section 5 allows a simple majority of the relevant legislative body to adopt an amendment to a zoning ordinance or bylaw to allow multi-family housing as of right in an eligible location.***

***Recommendations: Select Board: Placed and Referred to Town Meeting Voted 4 – 0  
Finance Committee: Recommended Voted 4 – 1***



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Town of Hanson  
Draft MBTA Communities Multi-family  
Overlay District (MCMOD)



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## Section VI.O - MBTA Communities Multi-family Overlay District

### A. Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multifamily housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
2. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services within a half-mile of a transit station.
3. Locate housing within walking distance of public transit and downtowns or town centers to promote general public health, reduce the number of vehicular miles travelled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality.
4. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.
5. Support public investment in public transit and pedestrian- and bike-friendly infrastructure.
6. Increase the municipal tax base through private investment in new residential developments.

### B. Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately 78.74 acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning District Map of the Town of Hanson.

1. **Applicability of MCMOD.** An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this Section VI.O.
2. **Underlying Zoning.** The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in Section D are governed by the requirements of the underlying zoning district(s).

### C. Definitions

For purposes of this Section VI.O, the following definitions shall apply. Terms not listed below are as defined elsewhere in the Zoning bylaw or by statute under M.G.L. c. 40A.

1. **Affordable unit.** A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.



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2. **Affordable housing.** Housing that contains Affordable Units as defined by this Section VI.O.C.
3. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
4. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Hanson, as defined by the U.S. Department of Housing and Urban Development (HUD).
5. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
6. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
7. **Compliance Guidelines.** *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.
8. **Community space.** An area within a building set aside for shared use by residents or the broader public for gathering, recreation, childcare, and other community needs.
9. **Development standards.** Provisions of **Section G. General Development Standards** made applicable to projects within the MCMOD.
10. **EOHLC.** The Executive Office of Housing and Livable Communities, or any successor agency.
11. **Infill Lot.** A vacant parcel or underutilized land located between other parcels that have been developed. Infill lots may include retreat/estate lots that are not part of an approved and recorded subdivision.
12. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
13. **MBTA.** Massachusetts Bay Transportation Authority.
14. **Mixed-use development.** Development containing a mix of residential uses and nonresidential uses, including, commercial, institutional, industrial, or other uses.
15. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
16. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
17. **Open space.** Contiguous undeveloped land within a parcel boundary.
18. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
19. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.



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- 20. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- 21. **Section 3A.** Section 3A of the Zoning Act.
- 22. **Site plan review authority.** The Hanson Planning Board will be responsible for Site plan review.
- 23. **Special permit granting authority.** The Special Permit Granting Authority shall be the Hanson Zoning Board of Appeals.
- 24. **Sub-district.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.
- 25. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.
- 26. **Transit station.** An MBTA subway station, commuter rail station, or ferry terminal.
  - a. **Commuter rail station.** Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.

**D. Permitted Uses**

- 1. **Uses Permitted As-of Right.** The following uses are permitted as of right within the MCMOD.
  - a. Multi-family housing.
  - b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

<b>Ground Floor</b>
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.



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<b>Any Floor</b>
Residential (required component).

2. **Uses Permitted by Special Permit.** The following uses require a Special Permit from the Special Permit Granting Authority.
  - a. **Second-floor Office Use in Mixed-Use Developments.** Office use on the second floor of a mixed-use development with employees.
3. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section D.1.
  - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

**E. Dimensional Standards**

1. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the MCMOD are as follows:

<b>Lot Size</b>	
Minimum (SF)	30,000
Height	
Stories (Maximum)	3
Feet (Maximum)	40
Minimum Open Space	30%

<b>Floor Area Ratio (FAR)</b>	2.00
<b>Maximum Building Coverage</b>	25%

<b>Minimum Frontage (ft)</b>	150
<b>Front Yard Setback</b>	
Min. (ft.)	20
<b>Side Yard Setback</b>	



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Corner (ft)	30
Interior (ft)	20
<b>Rear Yard Setback</b>	
Min. (ft.)	20

1. **Multi-Building Lots.** In the MCMOD, lots containing more than one (1) acre of land may have more than one principal building. Total units per lot must not exceed 15 units per acre. Proposed buildings must conform to Section E.
2. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
3. **Dimensional Standards.** The Planning Board may provide flexibility in the dimensional standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment through site plan review. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

**F. Off-Street Parking**

These parking requirements are applicable to development in the MCMOD.

1. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	2 spaces per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 150 square feet of gross floor area.

Use/Location	Maximum Spaces per Residential Dwelling Unit
Multi-family	
Within ¼ mile of a Transit Station	1.00



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Within ½ mile of a Transit Station	1.25
Over ½ mile from a Transit Station	2.00
Mixed-use, non-residential	1 space per 150 square feet of gross floor area.

2. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 200 Gross Square Feet or other measure

Location	Multi-family	Mixed-Use (Non-residential)/ Commercial
Within 1 mile of a Transit Station	1 per dwelling unit	1 per every [five (5)] parking spaces
Over 2 miles from a Transit Station	1 per every [two (2)] dwelling units	1 per every [ten (10)] parking spaces

3. **Bicycle storage.** For a multi-family development of ten (10) units or more, or a mixed-use development of 10,000 square feet or more, covered parking bicycle parking spaces shall be integrated into the structure of the building(s). Electric bike storage to meet all building and fire code requirements.

4. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

**G. General Development Standards**

1. Development standards in the MCMOD are applicable to all multi-family development with more than five (5) units or mixed-use development of more than 5,000 SF within the MCMOD. These standards are components of the Site Plan Review process in **Section I. Site Plan Review**.

2. **Site Design.**

a. **Connections.** Sidewalks shall provide a direct connection among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.





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- b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
  - c. **Open Space.** 30% of the site will be dedicated for open space.
  - d. **Screening for Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than [6 (six)] feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
  - e. **Parking Materials.** The parking surface may be concrete, asphalt, including pervious asphalt materials but not including grass or soil.
  - f. **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
  - g. **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow. Exterior lighting shall be Dark Sky compliant.
  - h. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
  - i. **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
  - j. **Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the Hanson MS4 Permit for projects that disturb more than one acre and discharge to the Hanson municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.
3. **Buildings: General.**
    - a. **Position relative to principal street.** The primary building shall have its principal façade and entrance facing the principal street. See also Section G.7. Buildings: Corner Lots.
    - b. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.
    - c. **Aesthetics.** Buildings shall be constructed with an exterior façade and form that is consistent with traditional New England architecture. Colonial, Cape, Victorian, Federal and Art and Crafts are examples of acceptable styles that will complement the existing built environment.
  4. **Buildings: Multiple buildings on a lot.**



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- a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
  - b. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
  - c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
  - d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
  - e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.
5. **Buildings: Mixed-use development.**
- a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
  - b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
  - c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
  - d. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
6. **Buildings: Shared Outdoor Space.** Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.
7. **Buildings: Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.
- a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
  - b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
  - c. Fire exits serving more than one story shall not be located on either of the street-facing façades.
8. **Buildings: Infill Lots.** If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of **Section E. Dimensional Standards**. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.



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9. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.
  - a. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.
  - b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
  - c. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
10. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this **Section G. General Development Standards**, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.

**H. Affordability Requirements.**

1. **Purpose.**
  - a. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
  - b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
  - c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and
  - d. Work to overcome economic segregation allowing Hanson to be a community of opportunity in which low and moderate-income households have the opportunity to advance economically.
2. **Applicability.** This requirement is applicable to all residential and mixed-use developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (“Applicable Projects”). No project may be divided or phased to avoid the requirements of this section.
3. **Affordability requirements.**
  - a. **Subsidized Housing Inventory.** All units affordable to households earning 80% or less of AMI created in the MCMOD under this section must be eligible for listing on EOHLC’s Subsidized Housing Inventory (“SHI”). All applicants for housing that has an affordable component shall be required to comply with any local and state requirements for the inclusion of units on the SHI.
4. **Provision of Affordable Housing.** In Applicable Projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole



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- number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI, in accordance with EOHLIC requirements.
5. **Fee in Lieu.**
- a. As an alternative to the requirements of paragraph (3) of this section, and at the sole discretion and majority vote of Planning Board upon a recommendation of the Town Planner the developer or property owner shall contribute a fee to a special account established specifically for the creation and preservation of affordable housing in lieu of providing all or a portion of the required Affordable Housing Units within the proposed development.
  - b. The fee in lieu of providing one or more Affordable Housing Units shall be a minimum of 125% of the current Median Income (MI) for the Metropolitan Statistical Area (MSA) which includes Hanson as determined by the U.S. Department of Housing and Urban Development on an annual basis or \$100,000 per required Affordable Housing Units not provided within the development, whichever is greater.
  - c. Any payment made to the Town as in lieu contribution for Affordable Housing Units shall be made as follows: at least 50 percent of the total owed prior to the issuance of the first building permit for any project; and the remaining total owed prior to the issuance of the first occupancy permit for any project. Payments made to the Town are to be used for the creation of new affordable units by the Town, or its designee.
  - d. No building permit shall be issued for any project utilizing this section until an agreement specifying, among other items, the fee and fee payment schedule, has been approved by the Planning Board, and fully executed by the Town and the developer/property owner.
6. **Development Standards.** Affordable Units shall be:
- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
  - b. Dispersed throughout the development;
  - c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
  - d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
  - e. Distributed proportionately among unit sizes; and
  - f. Distributed proportionately across each phase of a phased development.
  - g. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.
7. **Administration.**
- a. The Zoning Enforcement Officer shall be responsible for administering and enforcing the requirements in this section.



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I. **Site Plan Review**

1. **Applicability.** Site Plan Review is required for a project that proposes any mixed use or commercial development. An application for Site Plan Review shall be reviewed by the Planning Board for consistency with the purpose and intent of Sections D through H.
2. **Submission Requirements.** As part of any application for Site Plan Review for a project within the MCMOD submitted under Sections E through I (or, for projects not requiring Site Plan Review, prior to submission of any application for a building permit), the Applicant must submit the following documents to the Municipality:
  - a. Application and fee for Site Plan Review.
  - b. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by the Planning Board for Site Plan Review.
  - c. Elevations of the building(s) showing the architectural design of the building.
  - d. All site plans shall be prepared by a certified civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of [one-inch equals forty feet (1"=40') or larger], or at a scale as approved in advance by the Planning Board.
  - e. Narrative of compliance with the applicable design standards.
3. **Timeline.** Site Plan Review should be commenced no later than 45 days after the submission of a complete application and should be completed expeditiously. The site plan review authority may, when appropriate, seek the input of other municipal boards or officials. In general, site plan review should be completed within 120 days after a complete application is submitted to the Planning Board.
4. **Site Plan Approval.** Site Plan approval for uses listed in Section D Permitted Uses shall be granted upon determination by the Planning Board that the following conditions have been satisfied. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
  - a. the Applicant has submitted the required fees and information as set forth in Municipality's requirements for Site Plan Review; and
  - b. the project as described in the application meets the development standards set forth in Section G. General Development Standards.
5. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of **Section H. Affordability Requirements.**



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**J. Severability.** If any provision of this Section V.O is found to be invalid by a court of competent jurisdiction, the remainder of Section V.O shall not be affected but shall remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of the Zoning bylaw.