

# **EXHIBIT 1**



**PLANNING BOARD**  
**TOWN OF HANOVER**  
**MASSACHUSETTS**

TOWN OF HANOVER  
2017 JUN 13 PM 3:46  
TOWN CLERK

**APPROVAL OF SPECIAL PERMITS & SITE PLAN**

**LOCUS:** 1070 Washington Street, Hanover, MA 02339, further identified as Assessors Lot: 94  
Map: 030

**ZONING DISTRICT:** Business Zoning District, and Aquifer Protection Zone

**OWNERS:** 1070 Washington Street. Realty Trust, Donald E. Shute, Trustee, 41 Fox Hill Lane  
Norwell, MA 02061

**APPLICANT:** Michael J. McSharry, 6 Leah Drive, Rockland, MA 02370

**ENGINEER:** McKenzie Engineering Group, Inc., 150 Longwater Drive, Suite 101, Norwell,  
MA 02061

**DRAWINGS & REPORTS: (ALL INCORPORATED HEREIN BY REFERENCE)**

- A Eleven (11)-sheet site plan titled "Site Development Plan for 1070 Washington Street (Assessor's Map 30, Lot 94) Hanover MA, 02339. Dated November 14, 2016 with a most recent revision date of May 4, 2017.

Sheet #/Plan Description	Plan Date	Recent Revision Date
1. Cover Sheet	November 14, 2016	May 4, 2017
2. General Notes, Legends, Symbols & Abbreviations	November 14, 2016	May 4, 2017
3. Existing Conditions Plan	November 14, 2016	May 4, 2017
4. Site Layout Plan	November 14, 2016	May 4, 2017
5. Grading and Utility Plan	November 14, 2016	May 4, 2017
6. Construction Details I	November 14, 2016	May 4, 2017
7. Construction Details II	November 14, 2016	May 4, 2017
8. Construction Details III	November 14, 2016	May 4, 2017
9. Construction Details IV	November 14, 2016	May 4, 2017
10. Erosion Control Details	November 14, 2016	May 4, 2017
11. Landscaping Details	November 14, 2016	May 4, 2017

- Architectural rendering photos of proposed building 1070 Washington Street
- Drainage Calculation and Stormwater Management Plan for Proposed Site Development located at 1070 Washington Street (Assessors Map 30, Lot 94) Hanover, MA 02339. Dated January 24, 2017 with the most recent revision date of May 4, 2017.
- Construction Phase Best Management Practices and Operation and Maintenance Plan for Proposed Site Development located at 1070 Washington Street (Assessors Map 30, Lot 94) Hanover, MA 02339. Dated December 1, 2016 with the most recent revision date of May 4, 2017.
- Best Management Practices Long-Term Operation & Maintenance Plan for Proposed Site Development located at 1070 Washington Street (Assessors Map 30, Lot 94) Hanover, MA 02339. Dated December 1, 2016 with the most recent revision date of May 4, 2017.
- Requested public hearing continuance from Al Loomis, McKenzie Engineering Group dated October 24, 2016
- Notice of public hearing continuance from Hanover Planning dated October 26, 2016.
- Letter from Abutter Bob and Laura Steele addressed to the Planning Board dated November 14, 2016.
- Requested public hearing continuance from Al Loomis, McKenzie dated January 9, 2017.
- Letter addressed to Peter Matchak, Town Planner, dated January 30, 2017 regarding legal opinion of the Hanover Bylaws from Adam J. Brodsky, Drohan Tocchio and Morgan, P.C.
- Letter addressed to Peter Matchak, Town Planner, dated February 13, 2017 regarding legal opinion of the Hanover Bylaws from Lauren Galvin, Town Council, Murphy Hesse Toomey and Lehane LLP.
- Letter addressed to Lauren Galvin, Town Council, dated February 22, 2017 regarding legal opinion of the Hanover Bylaws from Adam J. Brodsky, Drohan Tocchio and Morgan, P.C.
- Consultant review letter submitted to Town of Hanover: Department of Municipal Inspections dated April 12, 2017 from Comprehensive Environmental Incorporated (CEI).
- Requested public hearing continuance from Al Loomis, McKenzie dated April 24, 2017.
- Requested public hearing continuance from Al Loomis, McKenzie dated March 13, 2017.
- Consultant review letter submitted to Town of Hanover: Department of Municipal Inspections dated May 2, 2017 from Comprehensive Environmental Incorporated (CEI).
- Requested public hearing continuance from Al Loomis, McKenzie Engineering Group dated March 13, 2017.
- Letter addressed to Town Planner, Peter Matchak, from McKenzie Engineering Group, Inc., dated May 8, 2017 addressing consultant review letter.
- Consultant review letter submitted to Town of Hanover: Department of Municipal Inspections dated May 30, 2017 from Comprehensive Environmental Incorporated (CEI).

**ACTION ON APPLICATION FOR SITE PLAN APPROVAL: APPROVED WITH  
CONDITIONS**

**VOTE:** (Y) Jeff Puleo (A) Kenneth Blanchard (Y) Richard DeLuca  
(A) Kara Nyman (Y) Maryann Brugnoli  
(Y) \*Meaghan Neville Dunn (NA) \*Bernie Campbell

*(A) = Absent or not present during the entire hearing process and therefore not eligible to vote.*

*(\*) = Associate Member*

*(NA) = Associate Member no vote cast*

**ACTION ON APPLICATION FOR ALL SPECIAL PERMITS: APPROVED WITH  
CONDITIONS**

**VOTE:** Y) Jeff Puleo (A) Kenneth Blanchard (Y) Richard DeLuca  
(A) Kara Nyman (Y) Maryann Brugnoli  
(Y) \*Meaghan Neville Dunn (NA) \*Bernie Campbell

*(A) = Absent or not present during the entire hearing process and therefore not eligible to vote.*

*(\*) = Associate Member*

*(NA) = Associate Member no vote cast*

**SITE PLAN APPROVAL AND SPECIAL PERMIT APPLICATION FOR  
1070 Washington Street  
Michael McSherry  
6 Leah Drive  
Rockland, MA 02370**

In accordance with Massachusetts General Laws (MGL), Chapter 40A (The Zoning Act), Sections 9 & 11 and the Zoning By-Law for the Town, Section 6.130.A (Uses Permitted by Special Permit from the Planning Board) and Section 6.860 B.1(Uses Permitted by Special Permit in an Aquifer Protection Zone), Section 7.660 (Change of final grade greater than 500 sq. ft.), and Section 10 (Site Plan Approval) the Town of Hanover Planning Board opened the public hearing on Monday, November 14, 2016 at 7:00 p.m. in the second floor hearing room of the Hanover Town Hall, 550 Hanover Street, Hanover, MA 02339 for the purpose of hearing the application of 1070 Washington Street, Michael McSherry, 6 Leah Drive, Rockland, MA 02370.

The applicant proposes a construction of a new 9,000 sq. ft. commercial building for the purpose of garaging contractor's vehicles. The applicant intends to continue the current use of the pre-existing non-conforming 2,045 sq. ft. three-family house on said premise. The site is located at 1070 Washington Street and is further identified as Lot 94-1 on Assessor's Map 30. The site lies in the Business Zoning District, and Aquifer Protection Zone.

The Public Hearing and continuances thereof were held pursuant to public notice published in the Hanover Mariner on October 10, 2016 and October 17, 2016 and mailed to parties in interest.

### **FINDINGS**

After thorough analysis and deliberation on October 10, November 14, December 12, 2016 and January 30, February 13, March 27, April 10, May 15, 2017, the Planning Board on June 6, 2017 finds that the applicants has complied with all pertinent provisions of the Zoning By-Law for the Town, Section 6.130.A (Uses Permitted by Special Permit from the Planning Board) and Section 6.860 B.1(Uses Permitted by Special Permit in an Aquifer Protection Zone), Section 7.660 (Change of final grade greater than 500 sq. ft.), and Section 10 (Site Plan Approval) and all other pertinent sections of the Hanover Zoning Bylaw subject to compliance with the conditions contained herein. Specifically, the Planning Board finds that:

- A) The proposed uses are appropriate to the specific site and they will not create a nuisance or not cause a derogation of the intent of this Bylaw by virtue of noise, odor, smoke, vibration, traffic generated or unsightliness.
- B) The intent and specific criteria of the Hanover Zoning Bylaw Section 10 are met by the proposed project. The construction conforms to all provisions of this Zoning Bylaw and does not cause any extension or intensification of existing non-conformances or the creation of any new non-conformances. The Board finds the permitted construction shall not be substantially more detrimental to the neighborhood.
- C) Any alteration, reconstruction, extension or structural changes proposed herein to the existing structures or uses on the site will not be substantially more detrimental to the Town's water resources (as protected by the Water Resource Protection District and Aquifer Protection Zone) than the existing structures or uses. The proposed alteration, construction, extension or structural changes will not violate any of the provisions of this Bylaw.
- D) With respect to the proposed grading of the property, the final grade or elevations will not adversely impact nor interfere with the safety and privacy of adjoining properties or ways nor cause an immediate or potential devaluation of property values of adjoining properties and/or of the general area.

### **DECISION**

By unanimous vote, the Planning Board hereby approves the subject application for Site Plan Approval and Special Permits in accordance with the provisions of the Hanover Zoning By-law Section Sec. 10, (Site Plan Approval), Section 6.130.A (Uses Permitted by Special Permit from the Planning Board) and Section 6.860 B.1(Uses Permitted by Special Permit in an Aquifer Protection Zone), Section 7.660 (Change of final grade greater than 500 sq. ft.) with authorization for the subject construction in accordance with the above referenced and approved plans, subject to the below listed Special and General Conditions.

**SPECIAL CONDITIONS**

1. The Planning Board issues a two (2) year temporary allowance of the existing nonconforming residential dwelling located on the property from the date of the Planning Board's filed decision with the Town Clerk. After such time or prior to the applicant shall be required to raze the existing dwelling identified as 1070 Washington Street, a three unit residential structure and reconstruct a new building. Preexisting non-conforming setbacks of 1070 Washington Street shall be grandfathers for further building development. Said land uses within all new builds shall be in accordance with current zoning standards at the time of application acceptance. All further proposed development at 1070 Washington Street shall require Planning Board Site Plan Approval and Special Permits if necessary.
2. All proposed tenants of the newly constructed building shall be in compliance with the underlying Business Zoning District and Aquifer Protection District Section 6.800 of the Hanover Zoning Bylaws.
3. There shall be no overnight parking of vehicles, equipment and or trailers in the rear of the proposed building as identified on the approved site plan. All vehicles shall be parked indoors overnight.
4. There shall be no manufacturing or production of goods to be performed outdoors in the rear of the newly proposed building as identified on the approved site plan.
5. The applicant will be required to plant trees 12' on center but slightly varied to assist with the buffer including evergreens and ivy or cover ground for vegetation barriers.
6. The Planning Board waives the standard parking space dimension specified by the Zoning Bylaw Sections 9.110.D and E, to permit the smaller dimensions of 9' by 18'.
7. The applicant shall obtain from the Hanover Conservation Commission an Order of Conditions permitting the work within jurisdiction under the Massachusetts Wetland Protection Act Regulations, as well as the Town of Hanover Wetlands Protection By-law and Regulations, as depicted on the drawings.
8. The applicant and owner and all future owners, operators, tenants and/or lessees shall comply with the Stormwater Management Operations and Maintenance Plan submitted to the Conservation Commission in accordance with the requisite Notice of Intent. Compliance with said plan shall become a condition of this approval and said plan shall be recorded at the Registry of Deeds together with this decision. Evidence of such recordings shall be submitted to the Planning Board and to the Building Inspector prior to the issuance of an Occupancy Permit.
9. If the site is subject to the EPA's NPDES Construction General Permit, the applicant shall provide the Town a copy of the NOI filed for this permit coverage with EPA, together with a copy of the required Stormwater Pollution Prevention Plan. This information shall be provided at the time of the Preconstruction Meeting with the Town.



10. The proposed development will be constructed within the Town's fragile and irreplaceable Aquifer Protection District and adjacent to the Town's Well Protection Zone. The applicant shall renew and maintain compliance with the Board of Public Works "Certificate of Water Quality Compliance" (CWQC) issued for the subject development.
11. In order for the Department of Public Works to monitor the applicant's operation of the stormwater system, the applicant shall furnish to the DPW copies of all stormwater operation and maintenance records on a biannual basis. Additionally, the applicant agrees to allow representative from the DPW to inspect the property on an annual basis to ensure compliance with the water quality certificate.
12. Prior to the issuance of an occupancy permit, the applicant shall be required to file a spill control plan with the Department of Public Works addressing the methods to be used to contain and control any spills on the site. This plan shall be reviewed each year to maintain compliance with DPW requirements.
13. During construction, each drainage structure that will be retained shall be dewatered, cleaned and inspected to note any pipe connections that could be a source of a non-stormwater discharge. If any such pipes are noted they shall be brought to the site engineer's attention and steps shall be taken to terminate any non-stormwater discharge. Records of such inspections along with photo documentation and records of corrective action should be provided to the Planning Department prior to the issuance of occupancy permits.
14. Catch basins shall contain respective controls to treat for oil and hazardous materials that could potentially run-off into the basins, and all basins and manholes shall be inspected and cleaned on a regular basis with records of such actions provided to the DPW to ensure that the basins are operating as designed.
15. Prior to installing the infiltration basin, the applicant shall provide verification to the Planning Board that the soils and groundwater conditions at the proposed basin are suitable to allow for infiltration. If these conditions are not suitable the applicant shall submit an alternate design that will ensure proper drainage.
16. In accordance with the Hanover Zoning Bylaw, Section 10.110.T, and to ensure that the municipal water supply system can fulfill the additional water demands of the development, no municipal water shall be used within the development for the irrigation and maintenance of landscaping. All landscape features shall be maintained with private wells or captured and treated stormwater in order to prevent unnecessary use and/or waste of a limited Town water supply. No irrigation systems shall be installed without prior written approval of the Department of Public Works. This condition shall not apply to private irrigation wells installed within the project.

17. The proposed development will be constructed within the Town's Aquifer Protection District and adjacent to the Town's Well Protection Zone. For this reason, no nitrogen-containing fertilizers, pesticides or chemicals shall be used during planting and maintenance of the required landscaping or lawn areas. Additionally, there shall be no use of pesticides or herbicides within the project containing Inorganic Compounds (IOC) as listed in Massachusetts Drinking Water Regulation (310 CMR 22.06), or Synthetic Organic Compounds (SOC) or Volatile Organic Compounds (VOCs) as listed in the Massachusetts Drinking Water Regulation (310 CMR 22.07).
18. The use of sodium chloride as a deicer is prohibited within the development, unless previously approved in writing by the Superintendent of Public Works. Instead, alternatives such as magnesium chloride and calcium chloride may be utilized for this purpose.
19. Any and all uses within the development shall comply with the Safe Drinking Water Act (SDWA), including the use of oil and hazardous materials. No solvents, hazardous cleaners or oil and/or hazardous materials shall be disposed of or allowed to enter into the wastewater or stormwater systems.
20. As the proposed redevelopment requires the applicant to excavate and install utilities within the existing Right-of-Way of Washington Street (Route 53), the applicant shall be required to pay the cost of any and all damages caused to the base, paved surface, or shoulder of Washington Street (Route 53) and repair the roadway to the satisfaction of the Department of Public Works and Mass DOT requirements. The applicant shall perform proper repairs including but not limited to cold plane and overlays at the effected or damaged areas, as required by the Department of Public Works. No occupancy permit shall be issued for this development until such time as the DPW has certified all required work, or that sufficient financial security is in place (funds held in escrow) to ensure proper completion of such work.
21. The applicant shall arrange for weekly sweeping as needed of affected area of State Highway (Washington Street / Route 53) during the period of construction truck traffic.
22. At the Pre-Construction meeting the applicant shall provide the Town Planner a copy of the proposed construction schedule indicating projected bi-weekly progress on this project. The applicant shall also provide at the meeting a complete 24-hour contact list for this project (including applicant, engineer, general contractor, major subcontractors, wetlands specialists, and any other representatives relative to this project).
23. No Building Permits shall be issued within the project until the Town Planner certifies that the completion of ways and drives, and the installation of water supply and municipal services are adequate to ensure access and public safety to the proposed construction site in the event of an emergency, by signing the Building Permit or by written certification to the Building Commissioner.

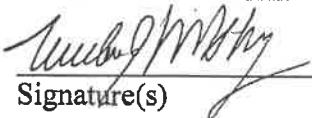


24. The proposed dumpster enclosure shall be an opaque wood stockade fence (or similar enclosure approved by the Town Planner) at least six (6) feet high, and of sufficient height in order to shield any dumpster placed inside from public view. No fences constructed as part of this development (including those of dumpster enclosures) shall be chain-link or wire-mesh. All such fences shall be decorative solid stockade or similar design. In addition the applicant will plant trees surrounding the dumpster.
25. If the applicant requires any extension to the time for completion, written request shall be provided to the Planning Board for review and approval of the extension.
26. The subject project is a sizable development and therefore will require regular inspection by the Planning Board's Consultant Engineer as well as the Department of Public Works (DPW) Inspector. Such inspections are necessary to ensure that the proposed project is constructed in accordance with the approved plans, to summarize and estimate the cost of remaining work, and to immediately address any issues which may arise during the construction of the project. The cost of such review and inspections shall be borne by the applicant. To cover the cost of these services the applicant shall replenish and maintain the Consultant Review Fee of \$4,000 (utilized for peer engineering review) required by the Planning Board during the construction process. Such funds shall be held by the Planning Board in an escrow account. Whenever notified that the funds in said escrow account have depleted to less than \$2,000, the applicant shall deposit sufficient funds to return the account to the \$4,000 balance. The balance of said consultant review account shall be replenished to \$4,000 prior to the required Pre-Construction Meeting. Upon completion of the project, any remaining funds shall be returned to the applicant. Such fund will provide for regular inspections of the construction progress by the Planning Board Consultant and DPW Inspector on an as-needed basis.
27. All construction activities, including the maintenance, startup, and operation of any construction vehicles or trucks on site, shall be limited to between 7:00 AM and 6:00 PM on weekdays and 8:00 AM and 5:00 PM on Saturdays. Any exception to these limitations shall be through written and specific approval of the Building Inspector and Police Department.
28. Prior to the end of the 20-day appeal period and the signing of this decision by the Planning Board the applicant shall provide one copy of the revised and approved plan set to the Planning Department in PDF format.

### GENERAL CONDITIONS

1. **ENDORSEMENT OF DECISION:** Within thirty (30) days of the expiration of the twenty (20) day appeal period, and after having obtained the signature of the Town Clerk indicating that there has been no notice of appeal, the applicant shall present an original of this decision to the Planning Board for endorsement by the Chairperson of the Board.
2. **REQUIRED CERTIFICATION:** Prior to, or at the time of, submittal of the decision for endorsement, the applicant shall submit to the Planning Board a certification indicating, in effect, the following:

"I (We), MICHAEL J. McSHARRY as representatives of/for 1070 Washington Street, Michael McSharry, 6 Leah Drive, Rockland, MA 02061 on this date, JUNE 14, 2017 do hereby certify that I (We) have completely read and do fully understand all Special and General Conditions of Planning Board Decision, TPL-16-19, dated June 7, 2017, relative to the proposed and permitted alteration for 1070 Washington Street (Assessors Map: 30, Lot: 094), Hanover, MA 02339. In particular, I (We) have completely read and fully understand the Procedure for Final Site Plan Completion, Town Planner/Planning Board Sign-Off, and Issuance of Occupancy Permit as described on the final pages of the Decision. Furthermore, it is my (our) intention to comply fully, to the best of my (our) ability, with all aspects of the approved Site Plan and with all Special and General Conditions of the Decision.

  
Signature(s)

3. **RECORDING AT REGISTRY OF DEEDS:** Within six (6) months of the expiration of the twenty (20) day appeal period, the applicant shall record the endorsed Decision at the Plymouth County Registry of Deeds. Evidence of such recording shall be submitted to the Planning Board and to the Building Commissioner prior to the initiation of any construction activities.
4. **NO DEVIATION FROM APPROVED PLAN:** There shall be no deviation from the approved Site Plan and Conditions of this Decision without prior written approval of the Planning Board. In the event that the applicant anticipates that some deviation is either necessary or desirable, he (she) shall notify the Planning Board in writing requesting modification of the Plan or the Conditions. If the Planning Board determines that the requested modification is minor in nature, the Board may grant such request. If the Board determines that the modification is not minor in nature, no such request may be granted until after a subsequent Public Hearing conducted for the purpose of fully discussing such

modification. In any event, no such modification shall be undertaken until such time as the Board has approved the request in writing. Any modification or deviation shall be fully processed in accordance with this General Condition prior to the applicant initiating a request for Final or Conditional Site Plan Sign-Off. In the event that the applicant intends to seek a Conditional Site Plan Sign-Off, any paving or landscaping relief shall be completely processed in accordance with this General Condition prior to the applicant initiating a request for Conditional Site Plan Sign-Off.

5. **ZONING BY-LAW COMPLIANCE:** No aspect of this Site Plan Approval/Special Permit decision or of any Condition of Approval shall be construed in such a manner so as to alleviate an owner, applicant, assign, or successor from full compliance with all pertinent provisions and requirements of the Zoning By-Law for the Town. Unless otherwise called for in this decision, requirements shall be as specified under the Hanover Zoning Bylaw.
6. **CONDITIONS FOR DEVELOPMENT:** During the course of all development activities and throughout the period when uses and activities authorized by this Site Plan/Special Permit decision are conducted, the applicant, owner, agents, assigns and successors shall comply with all provisions of Section 6.420 of the Zoning By-Law for the Town relative to odor, dust, smoke, noise, heat, vibration, etc.
7. **PRE-CONSTRUCTION MEETING:** At least four weeks prior to initiating any construction activities, the applicant(s) shall notify the Town Planner and Planning Board by certified mail of their intentions. An on-site pre-construction meeting shall be conducted with the applicant's engineer, the on-site construction supervisor and representatives of the Planning Board, Board of Health, Building Inspector, Conservation Commission, Department of Public Works and Fire Department.
8. **LANDSCAPING GENERAL:** Prior to the issuance of a Certificate of Occupancy for the subject expansion, all parking areas and landscaping shown on the Plan referenced above shall be completed.
9. **LANDSCAPE MAINTENANCE:** In accordance with Section 8.320 of the Zoning By-Law, it shall be the responsibility of the owner(s) of the site to ensure that all vegetation and landscaping is maintained in a healthy condition and that any dead or dying materials be replaced at the earliest appropriate season. Any violation of this General Condition shall be considered a violation of this Site Plan Approval and of the Zoning By-Law for the Town and may be treated accordingly.
10. **CURBING REQUIREMENTS:** Whenever the approved site plan holding the most recent revision date of May 4, 2017 indicates a requirement for granite curbing, pre-cast concrete curbing, or sloped granite edging, all curb joints shall be grouted and sealed with a substance and in a manner compatible with the curbing material.

11. **REVIEW BY OTHERS:** The applicant shall secure all requisite permits prior to commencing any work under this Site Plan. We specifically call your attention to the possibility of need for permits from the Board of Health, the Board of Public Works, the Board of Selectmen and the Conservation Commission. Additionally, regulatory agencies of the Commonwealth may have jurisdiction over this project.
12. **PLAN MODIFICATION BY OTHERS:** Should a permit from any other entity include provisions which require a revision of the Plan, such revision shall be submitted to and approved by the Planning Board prior to the start of any construction activities in accordance with General Condition 4, above.
13. **OFF-SITE WORK:** All work done off-site shall be to the satisfaction of the appropriate owner or public body having jurisdiction. In the case of Town roads, public ways, Town lands and Town easements, the work shall conform to the requirements of the Hanover Board of Public Works and to the satisfaction of the Planning Board. In the case of State roads, (Route 3, Route 53 and Route 139), the work shall conform to the requirements of the Massachusetts Highway Department.
14. **SITE CLEARING:** No trees larger than 3" caliper may be removed without the prior and specific approval of the Planning Board.
15. **TIME LIMIT APPROVAL:** If substantial use of the site under this permit or construction of this project does not begin within one year of the date of filing of this decision with the Town Clerk, then the granting of these Site Plan/Special Permits shall become null and void. The applicant shall notify the Planning Board by certified mail at least four weeks prior to commencing any work on the site. The Planning Board will thereupon schedule an on-site construction meeting. In attendance at said meeting shall be the applicant's engineer, construction supervisor and representatives of town agencies as specified in Section 10.300 of the Zoning By-Law. Furthermore, all work must be completed within two years of the on-site construction meeting. A new application and approval shall be necessary to proceed with such construction if no extension is granted by the Planning Board.
16. **APPROVAL SCOPE:** This Special Permit/Site Plan Approval, and the obligations of the applicant set forth in the conditions hereto, shall run with the land comprising the site and shall inure to and be binding upon the applicant, its successors and assigns (including lessees and tenants). This special permit/ site plan approval is issued specifically to the named applicant and shall not be transferred to any successor or assign prior to the completion of construction and occupancy of the project unless expressly approved by vote of the Planning Board.
17. **SIGNS:** All signage shall be erected in conformance with the Hanover Sign By-Law and all permits shall be secured before proceeding. No waivers have been granted in this Decision, and the Board will not support any future waivers with regard to signs.

18. **SITE LIGHTING:** All site lighting shall be designed and erected in a manner such that no illumination shall spill onto adjacent lots or public ways. We specifically call your attention to the observation that the typical fixtures provided by utility companies or those generically known as “floodlights” are unlikely to provide acceptable lighting. The fixtures generically known as “sharp-cut-off” or “shoebox” are, when correctly adjusted, more likely to accomplish the required lighting.
19. **NO BUILDING PERMIT AND/OR OCCUPANCY PERMIT** shall be issued for construction/occupancy until all debts to the Town have been satisfied.
20. **SITE PLAN SIGN-OFF REQUIRED** No Occupancy Permit shall be issued for the proposed development until the Town Planner certifies to the Building Inspector in writing that all site work indicated on the above referenced plans has been substantially completed in accordance with said plans, this decision, and all applicable Zoning Bylaws and Planning Board Rules and Regulations. At least 2 weeks prior to seeking an Occupancy Permit from the Building Inspector, the applicant shall submit a written request to the Town Planner to make such inspections as are necessary to verify said completion.
  - a. In the event asphalt plants cease operations and trees or shrubs may not be successfully transplanted during the winter months, it is incumbent upon the Applicant to carefully schedule the work of the Site Plan to completion prior to the onset of cold weather. If for documentable reasons, beyond the Applicant’s control (e.g. water use ban, bankruptcy of the contractor, etc.) the work of the Site Plan will not be completed prior to winter, the Town Planner will conduct a Conditional Final Inspection. The Town Planner and Planning Board may require a Performance Guarantee or evidence, in the form of executed and prepaid contracts, that the otherwise undone and undoable work will be completed, at the earliest possible date. If this procedure is deemed necessary and unavoidable, the Town Planner and Planning Board will recommend to the Building Inspector that any Temporary Certificate of Occupancy he may issue be limited to a minimal period of time (in no case should this exceed 200 days) and tied to the completion of the Site Plan.
  - b. The Board reserves the right to treat as violations of the Zoning By-Law (Section 10) any uncompleted work which remains undone at the termination of the Temporary Certificate of Occupancy.
  - c. The Applicant shall submit interim “as-built” plans to the Town of Hanover within 60 days of the installation of all stormwater structures to verify installation in accordance with the approved site plans. The submitted “as-built” plan shall be prepared and stamped by a Massachusetts Registered Land Surveyor or Professional Engineer.

In addition, the Applicant shall submit a letter prepared and stamped by a Massachusetts Registered Professional Engineer certifying that the stormwater system has been installed in compliance with the approved plans. For stormwater detention, infiltration, or water quality pre-treatment and treatment structures, the letter shall be documented with construction phase photographs showing the prepared subgrade prior to placement of system components, and each major structural feature of the system (for example, embankment construction, placement of fill materials that replace unsuitable material beneath the system, stone bedding and backfill for subsurface components, subsurface structural units such as storage chambers or treatment devices, flow control structures, and inspection/access structures).

- d. At the completion of all permitted work and prior to the issuance of an occupancy permit, the Applicant shall submit to the Planning Office two paper copies and a PDF copy of an "as-built" plan to verify that all site improvements have been completed in accordance with the approved plans. The submitted "as-built" plan shall be prepared and stamped by a Massachusetts Registered Land Surveyor or Professional Engineer.

In addition, the Applicant shall submit a letter prepared and stamped by a Massachusetts Registered Professional Engineer certifying that the site improvements have been installed in compliance with the approved plans.

21. All construction shall be in accordance with the approved drawings and reports referenced above.
22. All water services and installations shall be in accordance with the requirements of the Town of Hanover Department of Public Works.
23. The applicants shall appoint a qualified professional who will be responsible for, and oversee, all aspects of implementation and monitoring of the erosion/sedimentation control measures. The name of such individual shall be submitted to both the Planning Board and Conservation Commission. He/she shall also be responsible for coordinating and communicating with the Board and Commission regarding such matters.
24. All development and construction sequences and activities shall be in conformance with any Order of Conditions issued by the Conservation Commission for this project.



**SITE PLAN/SPECIAL PERMIT APPROVAL**  
**1070 Washington Street**  
**TPL-16-19**

**DATE: June 13, 2017**

The Board affirms that all provisions of Sections 9 & 11, Chapter 40A of the General Laws and Section 10, of the Hanover Zoning By-Law were complied with as regards procedures.

NOW, THEREFORE, by vote of the Planning Board this Site Plan and Special Permit Approval is granted consistent with the requirements of said Section 10 and all other pertinent sections of the Hanover Zoning By-Law and upon the conditions contained herein.

This Site Plan and Special Permit Approval are not effective until the Planning Board receives evidence from the applicant of recording with the Plymouth County Registry of Deeds in accordance with M.G.L., Ch. 40A, S.11. (Copy of proof of recording must also be submitted by applicant to the Hanover Building Commissioner.)

**HANOVER PLANNING BOARD**

  
Chairperson  
Jeff Puleo

I hereby certify that 20 days have elapsed from the date this decision was filed with this office and no notice of appeal was received during that period.

cc: Hanover Town Clerk  
Hanover Building Commissioner  
Hanover Board of Health  
Hanover Board of Appeals  
Hanover Fire Dept.  
Hanover Police Dept.  
Hanover Board of Public Works  
Hanover Conservation Commission  
Hanover Board of Selectmen

A TRUE COPY      ATTEST

  
Catherine Harder-Bernier, Town Clerk

Date: July 13, 2017

## **EXHIBIT 2**



6 Resnik Road, Plymouth, MA 02360 Office: 508-746-2500 | Fax: 508-746-0038 [atlanticproperties.com](http://atlanticproperties.com)

July 19, 2022

Steve Callahan  
1070 Washington Street  
Hanover, MA

### **MARKET UPDATE**

Atlantic Properties has been actively marketing the property at 1070 Washington Street in Hanover for the past 5 years. Our attempts to deliver a quality tenant for the property have been diligent and vast, yet to date have been unsuccessful. There are a few factors that come into play with this particular location that have made it quite challenging to secure a quality tenant.

The first thing to consider is the Office market as a whole. While the location would be very suitable for an office user, with great proximity to the highway and solid traffic counts, we have seen a significant drop off in market activity in the Office sector. Obviously, the pandemic has played a major factor in this trend. At first, it was due to a shift from the “in office” model to the “remote” workplace. Since the restrictions have been lifted, many companies are continuing the remote model and shaving costs by removing the rental component for office space all together. Activity has been very slow over the past couple years and when deals are happening, we are seeing significant downsizing happening in the office market. It’s going to take several years before the office market comes back to the levels we are accustomed to, if it ever does. The changing trends in the office market are really shifting the landscape, and it appears to be asserting itself as a more permanent change.

We are also having difficulties with the restrictions that this property has associated with it. First, the aquifer zone that this property falls in has created very limited tenant pool with the restrictions on specific uses. Many potential tenants that we have had great discussions with, and would be perfect for the location, are immediately ruled out

due to their specific use, even though they are allowed by right with zoning, but fail to comply with the stricter aquifer protected rules. Second, is the septic component. Many different types of retail and food uses have inquired about the potential for the location. With the property ideal for retail directly on Route 53, a restaurant or food service operation would be a great fit, but the septic capacity, in combination with the aquifer zone restrictions, has limited our options. Parking has been an issue as well. While the property checks a lot of boxes for office/retail users, the parking allotment for this building can pose challenges depending on the number of employees and customers at any given time. Lastly, the property owners does not own the large triangle of land adjacent to Route 53 and the property appears larger than it is. The lot area further restricts the redevelopment of the property.

Moving forward, we will continue to push all aspects of our marketing program in hopes of securing a retail/office tenant for the location. Until we get a commitment from a quality tenant, our suggestion would be to continue to lease the premises as residential, considering the shortage of workforce housing available. I am available to discuss and answer any questions you may have at your convenience.

Best Regards,

A handwritten signature in black ink, appearing to be 'P. Leahy', with a long horizontal stroke extending to the right.

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## **EXHIBIT 3**















