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August 12, 2022



Via Email and Federal Express

MaryAnn Brugnoli, Chair
Town of Hanover Planning Board
550 Hanover Street
Hanover, MA 02339

**RE: 1070 Washington Street, LLC
1070 Washington Street, Hanover
Request for Modification of Approval of Special Permit and Site Plan
Case No. TPL—16-19**

Dear Ms. Brugnoli:

This office represents 1070 Washington Street, LLC (“1070 Washington”), the current owner of the real property located at 1070 Washington Street (the “Property”) in Hanover, Massachusetts. As you may recall, the Town of Hanover Planning Board (“Planning Board”) issued an Approval of Special Permit and Site Plan (“Approval”) to the applicant, Michael J. McSharry, for the Property on June 13, 2017, approving the construction of a 9,000 s.f. commercial building. Special Condition #1 of the Approval allowed the existing nonconforming three-unit residential dwelling (“Residential Structure”) to remain on the Property for two years after which the Residential Structure was to be razed, reconstructed, and converted to a conforming use.

1070 Washington Street requests that the Planning Board please modify Special Condition #1 so that (i) the Residential Structure, which is in good condition, not be razed and be allowed to remain at the Property, and (ii) 1070 Washington be granted an additional two years to convert the Residential Structure to a conforming use.

1070 Washington Street submits the following documents in support of this Request:

- Approval of Special Permit and Site Plan for the Property dated June 13, 2017 (**Exhibit 1**);
- Market Update, prepared by Atlantic Properties, July 19, 2022 (“Market Update”) (**Exhibit 2**); and
- Photographs showing pre-existing and post-improvement conditions at the Property and similar residential structures in the vicinity. (**Exhibit 3**).

I. Background

1070 Washington Street owns the Property by Quitclaim Deed dated September 28, 2017, recorded with the Plymouth County Registry of Deeds at Book 48990 Page 38. The Property is identified as Assessor's parcel 30-94-1. The Property currently contains a 9,000 s.f. commercial building and the Residential Structure. The Residential Structure is preexisting nonconforming as to use and certain dimensional requirements under the Town of Hanover Zoning Bylaws ("HZB").

On June 13 2017, the Planning Board granted the Approval allowing the construction of the new commercial building at the Property. See Exhibit 1. Special Condition #1 states:

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 application 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 grandfathered for further building development. Said land uses within all new builds shall be in accordance with the current zoning standard 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.

Exhibit 1.

II. Request for Modification

1070 Washington Street requests that the Planning Board modify Special Condition #1 in two respects. First, 1070 Washington Street seeks to retain the Residential Structure at the Property rather than raze it. The Residential Structure is structurally sound, has been improved, and is currently leased to three residential tenants. See Exhibit 3. There is no good reason to raze the existing structure and replace it with a new structure. Moreover, the construction of a new building, particularly without a new commercial tenant, is not financially viable.

Second, 1070 Washington Street request two additional years to convert the Residential Structure to a conforming use. 1070 Washington Street has diligently marketed the Property to commercial tenants but has been unsuccessful. The market for commercial tenants continues to be depressed on account of the COVID 19 pandemic. See Exhibit 2. Additionally, the Property has several land use restrictions which limits the allowed uses making the search for a commercial tenant even more challenging. Notwithstanding, 1070 Washington Street would like the opportunity to continue those efforts.

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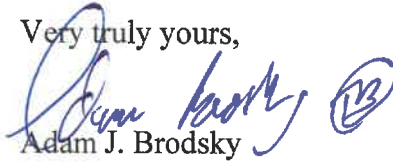
During the additional two years, 1070 Washington Street would continue to lease the residential units to their existing workforce tenants. There is a clear need for residential housing in Hanover. While the units are not technically affordable, the rents are maintained to provide housing for workforce tenants. There is similarly no good reason to evict the existing residential tenants and have yet another vacant building on Washington Street.

III. Conclusion

For these reasons, 1070 Washington Street requests that the Planning Board modify the Approval as requested.

Should you have any questions, please do not hesitate to contact me. Thank you for consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Adam Brodsky", followed by a circled number "23".

Adam J. Brodsky
Drohan Tocchio & Morgan, P.C.

cc: Catherine Harder-Bernier, Town Clerk (*via email*)
Christine Stickney, Town Planner (*via email*)
Kevin Feeley, Esq, Town Solicitor (*via email*)
Stephen R. Callahan, Sr., Manager, 1070 Washington Street LLC (*via email*)