

DROHAN TOCCHIO & MORGAN, P.C.

ATTORNEYS AT LAW
175 DERBY STREET, SUITE 30
HINGHAM, MASSACHUSETTS 02043
Telephone: (781) 749-7200 ~ Facsimile: (781) 740-4335
www.dtm-law.com

ADAM J. BRODSKY
abrodsky@dtm-law.com

March 11, 2024

Via Email and Federal Express

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

**RE: Target Store
1167 Washington Street, Hanover
Request for Modification of Approval of Special Permit and Site Plan**

Dear Chair Brugnoli:

This office represents Target Corporation ("Target"), which owns and operates the Target Store located at 1167 Washington Street, Hanover, Massachusetts (the "Site"). Target seeks to modify the Approval of Special Permits and Site Plan dated March 31, 2008 (BB08-10SP) ("2008 Approval") to convert 18 existing parking spaces to 12 Drive Up ("DU") parking spaces with loading areas.

Target previously submitted an application to modify the 2008 Approval to relocate 18 existing parking spaces, restripe 24 new DU parking spaces, and construct a drive aisle canopy. On November 9, 2022, the Town of Hanover Planning Board ("Planning Board") denied the request to modify the 2008 Approval. The grounds for denial included that the Planning Board found that the proposed canopy would displace or eliminate parking for general retail customers, there were questions regarding the aesthetics and durability of the proposed canopy material, there were concerns regarding potential icing and snow conditions beneath the canopy, and the Planning Board was concerned with litter and dumping.

Target has materially changed the project to eliminate the proposed canopy and reduce the number of new DU spaces from 24 to 12 DU spaces. Additionally, while Target does not seek to avoid its obligations to maintain its building and parking lot, we understand that the Hanover Condominium Trust cleaned up the condominium complex, including Target's condominium unit, and Target has implemented an increase in lot sweeps and its vendor is still in place.

On February 26, 2024, the Planning Board voted to lift the 2-year moratorium pursuant to M.G.L. c. 40A, § 16 to allow Target to file this request for modification.

Target submits the following additional documents:

1. Application for Special Permit;
2. Certified Abutters List;
3. Plan set entitled "Target Drive Up Expansion T-2532 Hanover" prepared by Kimley-Horn and Associates, Inc. dated February 15, 2024; and
4. Parking Exhibit prepared by Kimley-Horn and Associates, Inc. dated January 15, 2024.

Request to Modify 2008 Approval.

A. Background Facts

Target owns a condominium unit (Unit 3) by virtue of a Unit Deed granted by Hanover Washington Limited Partnership dated March 10, 2010 recorded in the Plymouth County Registry of Deeds in Book 38514, Page 69. A copy of the Unit Deed is attached as **Exhibit 1**. The Target Store, which is approximately 130,000 s.f., was constructed pursuant to the 2008 Approval, as modified. A copy of the 2008 Approval is attached as **Exhibit 2**. The 2008 Approval granted a reduction in required parking under § 9.300 of the Hanover Zoning Bylaw ("HZB") then in effect.¹

The Hanover Planning Department has calculated that there are a total of 561 existing standard parking spaces on the Target unit, 14 ADA compliant parking spaces, and 11 land banked parking spaces, based on the record plans and hand-counting the spaces on aerial photographs. Kimley-Horn, the project engineer, has independently corroborated these calculations. Kimley-Horn has also performed a parking study. A copy of the parking study is attached as **Exhibit 4**. The parking study, which did not consider land banked parking spaces, indicates that the parking lot for the Target Store at peak hours is never more than half-full. In other words, parking demand never exceeds the amount of available existing parking spaces at peak hours at the Target Store unit by a large margin.

¹ The Approval of Special Permit/ Site Plan review granted to the Hanover Condominium Trust for the new fast-food restaurant dated February 14, 2023 ("2023 Restaurant Approval"), indicates that the entire site is required to have 1,386 parking spaces in total and there are 1,003 parking spaces constructed and 466 parking spaces banked for future development. A copy of the 2023 Restaurant Approval is attached as **Exhibit 3**.

Additionally, we understand that in connection with the new fast-food restaurant, the Hanover Condominium Trust intends to add more land banked parking spots than the existing parking spaces it is removing and, as a result, overall parking for the condominium development will increase. See Exhibit 4.

Target proposes to convert 18 existing parking spaces to 12 DU parking spaces with loading areas. The modification will result in a net loss of 6 existing parking spaces. Target's guest needs have changed since the Target Store was constructed. Target developed the "Drive-Up" program during the COVID-19 pandemic to allow guests to purchase merchandise online and pick it up at a physical store location.² Drive-Up services continue to be popular with guests with increased online purchasing. To ensure the prompt loading of the guest's vehicle, each space is designed similar to an ADA Accessible Passenger Loading Zone. This requires more physical space than a general-purpose parking stall. The Drive-Up program reduces the time that a guest is required to spend at the store which reduces the amount of parking needed to serve the same number of guests and creates operational efficiencies.

While the proposal will result in a net loss of 6 existing parking spaces, there is more than adequate existing parking spaces to accommodate all of Target's guests at peak hours and the reduction may be offset by the efficiencies of the Drive-Up program alone.

B. Request for Relief

As indicated above, § 9.300 of the current HZB allows lesser parking requirements by Special Permit at the discretion of the Planning Board. The applicant is required to demonstrate that the lower requirements are appropriate as demonstrated by data from the latest edition of the Institute for Traffic Engineers ("ITE") Trip Manual or from actual traffic counts for similar uses. Additionally, the Planning Board must make a finding that the site has adequate capacity for vehicles at peak hours and that the reduction in parking spaces is not substantially more detrimental to public safety than adhering to the requirements of the HZB.

Substantive modifications to special permit conditions are subject to the same substantive decision making standards as the original grant. See Barlow v. Planning Bd. of Wayland, 64 Mass. App. Ct. 314, 321 (2005). Target has demonstrated with its parking study

² The Planning Board in its prior denial of Target's request questioned how the existing "Drive-Up Program" was implemented without an approved modification. See Denial of Major Modification of Special Permit/ Site Plan Revied dates November 9, 2022, a copy of which is attached as Exhibit 5. Target implemented the Drive Up Program at risk to address a public health emergency and it was not intended to circumvent any Town requirements. Notwithstanding, Target is abandoning the existing DU spaces.

MaryAnn Brugnoli, Chair
Town of Hanover Planning Board
March 11, 2024
Page 4

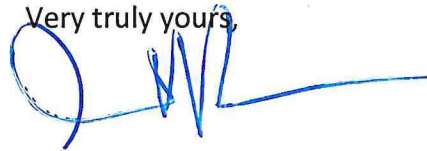
that a further reduction in existing parking is appropriate, the site has adequate capacity for vehicles at peak hour, and the reduction in parking spaces is not substantially more detrimental to public safety than adhering to the requirements.

Conclusion

For these reasons, Target requests that the Planning Board please allow Target to modify the 2008 Approval as requested.

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

Very truly yours,



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

Enclosure

cc: Catherine Harder-Bernier, Town Clerk (*via email*)
Eve Tapper, Interim Town Planner (*via email*)
Josh Katzen, Hanover Washington Limited Partnership (*via email*)

EXHIBIT 1

ATTEST: *John R. Buckley Jr.*
 REGISTER
 PLYMOUTH COUNTY REGISTRY OF DEEDS



Bk: 38514Pg: 69 Page: 1 of 3
 Recorded: 05/11/2010 03:27 PM

THE HANOVER WASHINGTON CONDOMINIUM UNIT DEED

HANOVER WASHINGTON LIMITED PARTNERSHIP, a Massachusetts limited partnership (the "**Grantor**") for consideration of Eight Million Five Hundred Thousand and No/100 Dollars (\$8,500,000) paid, does, as of this 18th day of March, 2010, grant to TARGET CORPORATION, a Minnesota corporation with an address of 1000 Nicollet Mall, Minneapolis, Minnesota 55403 (the "**Grantee**") with QUITCLAIM COVENANTS, Unit 3 (the "**Unit**") in The Hanover Washington Condominium (the "**Condominium**"), established by Master Deed dated July 1, 2008 and recorded in the Plymouth Registry of Deeds in Book 36147, Page 28 as amended by that certain First Amendment to Master Deed dated as of the date hereof and recorded immediately prior hereto (as amended, the "**Master Deed**").

The post office address of the Condominium is c/o Forest Properties Management, Inc., 19-33 Needham Street, Newton, MA, 02461. The post office address of the property is 1167 Washington Street, Hanover, MA 02339.

The Unit is hereby conveyed together with an undivided seventy one and forty two tenths (71.42%) interest in the Common Areas and Facilities of the Condominium, as described in the Master Deed. Pursuant to the Master Deed, the foregoing percentage interest shall be recalculated when additional Units are added to the Condominium.

The Unit is also conveyed together with the benefit of the Limited Common Areas and Facilities shown on the Phase II Site Plan as "Unit 3 Limited Common Areas and Facilities", which shall be appurtenant to Unit 3 as provided in the Master Deed.

The Unit is intended to be used for retail sales, office, restaurant and other legally permitted purposes and is subject to the restrictions on use contained in Section 9.1 of the Master Deed all of which are hereby incorporated by reference.

The Unit is hereby conveyed subject to:

1. The provisions of the Master Deed and the plans of the Condominium recorded with the Master Deed, the provisions of the Declaration of Trust of The Hanover Washington Condominium (the "**Condominium Trust**") and the Bylaws thereto dated July 1, 2008, recorded in the Plymouth Registry of Deeds in Book 36147, Page 47, as the same may be amended from time to time;
2. The provisions of Massachusetts General Laws, Chapter 183A; and
3. All other applicable covenants, easement, restrictions and rights of way, if any, of record.

By acceptance and recording of this Unit Deed, the Grantee agrees to assume and perform all of the conditions and covenants of this Unit Deed, the Master Deed, the

Alan J. Schlesinger
Schlesinger and Buchbinda, LLP
 1200 Walnut St
 Newton MA 02461

Property Address: 1165 - 1207 Washington Street Hanover

PL# 10-180
 #10-181

Condominium Trust and the Bylaws and consents to any amended Master Deed subdividing or combining Units pursuant to the provisions of Section 8 of the Master Deed.

By accepting and recording of this Deed Grantee ratifies and confirms the appointment of Grantor as Grantee's attorney-in-fact for the purposes set forth in Section 14.1 of the Master Deed, which power of attorney is coupled with an interest, is irrevocable and shall run with the land and be binding upon Grantee and its successors and assigns.

[Signature and acknowledgment on following page]

EXECUTED as an instrument under seal this 18th day of March, 2010.

Hanover Washington Limited Partnership,
a Massachusetts limited partnership
("Grantor")

By: Hanover Washington Corporation
Its: Sole General Partner

By: [Signature]

Name: Joshua W. Katzen

Title: President

CANCELLED

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 05/11/2010 03:27 PM
Ctrl# 042698 19462 Doc# 00036865
Fee: \$38,760.00 Cons: \$8,500,000.00

COMMONWEALTH OF MASSACHUSETTS

[Signature] ss

3/18, 2010

On this 18 day of March, 2010, before me, the undersigned notary public, personally appeared Joshua W. Katzen, the President of Hanover Washington Corporation, the sole general partner of Hanover Washington Limited Partnership, personally known to me to be the person whose name is signed on the preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

[Signature]
Notary Public Michelle Dern
My Commission expires: 8-5-16

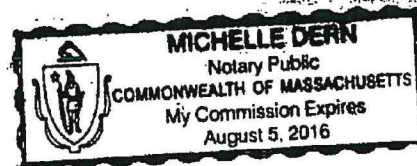


EXHIBIT 2

36706

SITE PLAN/SPECIAL PERMIT APPROVAL
WASHINGTON STREET SHOPPING CENTER - 1075-1207 WASHINGTON ST
PB08-10SP ("TARGET")

DATE: MARCH 31, 2008

TOWN OF HANOVER

2008 APR -2 P 3:51

TOWN CLERK

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
30 APR 2008 11:25AM
JOHN R. BUCKLEY, JR.
REGISTER
BK 35911 Pg 159-176



PLANNING BOARD
TOWN OF HANOVER, MASSACHUSETTS

APPROVAL OF SPECIAL PERMITS & SITE PLAN

TO:	Robert S. Shea, Town Clerk Paul McAuliffe, Building Inspector Applicant & Interested Parties
SUBJECT:	This is to inform you that the Hanover Planning Board has issued Special Permits and Site Plan Approval for the above referenced project as indicated in greater detail below.

LOCUS: A site consisting of 40+/- acres of land on several parcels located on the east side of Route 53 (Washington Street), between Washington Street and the Third Herring Brook (Hanover Town Line). Approximately 1165 - 1207 Washington Street, on the east side of Washington Street, and is further identified as Lots 011, 012, 013, 016, 022, 058, 059, and 060 on Assessor's Map 24.

ZONING DISTRICT: Commercial & Water Resource Protection District / Aquifer Protection Zone (Overlay)

OWNERS: Hanover Washington Limited Partnership, c/o Forest Properties Management, Inc., 19 Needham Street, Newton, MA 02461 (and) Donald G. Kethro, Trustee of Four Score Realty Trust, c/o Donald G. Kethro & Gary Thomas, Esquire, 1165 Washington Street, Hanover, MA 02339.

APPLICANT: Hanover Washington Limited Partnership, c/o Forest Properties Management, Inc., 19 Needham Street, Newton, MA 02461

ENGINEERS: Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184
MDM Transportation Consultants, Inc., 5 Mount Royal Avenue, Marlborough, MA 01752
Steve G. Cosmos, Cosmos Associates, 5 Longview Street, Natick, MA 01760
Coastal Engineering Company, Inc., 260 Cranberry Highway, Orleans, MA 02653

All construction shall be in accordance with the following approved drawings and reports:

DRAWINGS (all incorporated herein by reference):

- A thirteen (13) sheet Site Plan set entitled "Site Development Plans for 'Between 1131 and 1075' 1165, 1167 & 1207 Washington St., Hanover, MA. 02339" dated August 31st, 2007 with a latest overall revision date of

mail

Schlesinger + Buchbinder LLP
1200 Walnut St
Newton MA 02461

**SITE PLAN/SPECIAL PERMIT APPROVAL
WASHINGTON STREET SHOPPING CENTER – 1075-1207 WASHINGTON ST
PBOB-1OSP ("TARGET")**

DATE: MARCH 31, 2008

01/28/08. Sheets included in this plan set are according to the follow list of sheet number, title, original date, and most recent revised date:

Sheet No.	Sheet Title	Original Date	Revised Date
1	Cover Sheet	August 31 st , 2007	1/28/08
2	Existing Conditions Plan	August 31 st , 2007	1/28/08
3	Overall Layout & Zoning Plan	August 31 st , 2007	1/28/08
4A	Layout Plan	August 31 st , 2007	1/28/08
4B	Layout & Zoning Plan	August 31 st , 2007	1/28/08
5A	Grading & Drainage Plan – Part 1	August 31 st , 2007	1/28/08
5B	Grading & Drainage Plan – Part 2	August 31 st , 2007	1/28/08
6A	Utility Plan (Part 1)	August 31 st , 2007	1/28/08
6B	Utility Plan (Part 1)	August 31 st , 2007	1/28/08
7A	Detail Sheet	August 31 st , 2007	1/28/08
7B	Detail Sheet	August 31 st , 2007	1/28/08
8A	Landscape Plan	August 31 st , 2007	12/27/07
8B	Landscape Plan	August 31 st , 2007	12/27/07

- A single sheet "Photometric Plan," prepared by On Site Lighting & Survey, LLC, 1111 HWY 25 North, Suite # 201, Buffalo, MN 55313, and dated 8/20/2007.
- A single sheet Conceptual Design Plan entitled "Intersection Improvements Washington Street (Route 53) Hanover, Massachusetts" prepared for Hanover Washington LP, prepared by MDM Transportation Consultants, Inc., dated January 2008.
- A single sheet Conceptual Design Plan entitled "Proposed Squires & KAM Layout Sketch" prepared for Hanover Washington LP, Route 53, Hanover, MA, prepared by Kelly Engineering Group, Inc., dated 02/20/08.
- A single sheet Conceptual Design Plan entitled "Sketch Plan Showing Location of Proposed Wastewater Treatment Facility" prepared for Hanover Washington Limited Partnership, prepared by Coastal Engineering Company, Inc., dated 11/14/07.
- A single sheet Cut & Fill Plan entitled "Cut / Fill Exhibit," for Hanover Washington LP, Route 53, Hanover, MA., prepared by prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated 11/26/07.
- Various Architectural Drawings, Signage Details, and Sketch Renderings as follows:
 1. Exhibit # 1: "Target" Building Façade Treatments
 2. Exhibit # 2: "Target" Façade Perspective Rendering #1
 3. Exhibit # 3: "Target" Façade Perspective Rendering #2
 4. Exhibit # 4: Concept Floor Plan - 16,700 sq.ft. Bldg.
 5. Exhibit # 5: Concept Floor Plan - 57,700 sq.ft. Bldg.
 6. Exhibit # 6: Façade Treatments - 57,700 sq.ft. Bldg.
 7. Exhibit # 7: "Target" Building Façade Materials Board
 8. Exhibit # 8: Perspective Rendering - 16,700 sq.ft.
 9. Exhibit # 9: Perspective Rendering - 57,700 sq.ft.
 10. Exhibit # 10: Concept Floor Plan - 11,648 sq.ft. Bldg.
 11. Exhibit # 11: Façade Treatments - 11,648 sq.ft.
 12. Exhibit # 12: Proposed Entrance Pylon Signs

- 13. Exhibit # 13: Façade Treatments - 16,700 sq.ft.
- 14. Exhibit # 14: Façade Treatment - 5,976 sq.ft.

REPORTS (all incorporated herein by reference):

- "Stormwater Management Report – 1207, 1167, 1165, and Between #1131 and #1075 Washington St., Hanover, MA.," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated August 31, 2007.
- "Stormwater Management Summary Addendum – 1207, 1167, 1165, and Between #1131 and #1075 Washington St., Hanover, MA.," prepared by Kelly Engineering Group, Inc., dated November 15, 2007.
- A report entitled "Attachments to Response Letter – Washington Street Shopping Center – Hanover, MA," prepared by Kelly Engineering Group, Inc., dated December 27th, 2007.
- A report entitled "Attachments to Response Letter Dated Jan. 17, 2008 – Washington Street Shopping Center – Hanover, MA," prepared by Kelly Engineering Group, Inc., dated January 17th, 2008.
- A four (4) page Post-Construction Stormwater Operation and Maintenance (O&M) Plan entitled "Hanover Washington L.P. Stormwater Management System Operation and Maintenance Plan" dated 1/17/08 (submitted as a portion of the above report).
- "Traffic Impact and Access Study – Retail Development – Washington Street (Route 53) – Hanover, Massachusetts" prepared for Hanover Washington Limited Partnership, prepared by MDM Transportation Consultants, Inc., 5 Mount Royal Avenue, Marlborough, MA 01752, dated June 2007.
- "Traffic Impact and Access Study – SEIR Transportation Component – Retail Development – Washington Street (Route 53) – Hanover, Massachusetts" prepared for Hanover Washington Limited Partnership, prepared by MDM Transportation Consultants, Inc., 5 Mount Royal Avenue, Marlborough, MA 01752, dated November 2007.
- Technical Memorandum entitled and regarding "Response to Peer Review Comments – JEK Comments of 11/16/07 – Washington Street Retail Development – Hanover, Massachusetts," prepared by MDM Transportation Consultants, Inc., 28 Lord Road, Suite 280, Marlborough, Massachusetts 01752, dated November 30th, 2007.
- Various reports, documents and letters from the Massachusetts Environmental Policy Act (MEPA) filing for the Washington Street Shopping Center, Hanover, Massachusetts (EOEA # 14046), including the Environmental Notification Form (ENF) and Single Environmental Impact Report.
- A two (2) page Letter of Commitment from the applicant, Joshua W. Katzen, representing Hanover Washington Limited Partnership, dated September 18, 2007, regarding "1165-1207 Washington Street Development."
- "Report to Accompany Special Permit and Site Plan Review Application" for 1165-1207 Washington Street, Hanover, MA, dated August 31, 2007, prepared for Hanover Washington Limited Partnership, c/o Forest Properties, 19 Needham Street, Newton, MA 02461, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184.
- A ten (10) page report entitled "Development Impact Statement in Support of the Application for Site Plan Review and Special Permit – 1165-1207 Washington Street," dated March 6th, 2007 and submitted as part of a report entitled "Report to Accompany Special Permit and Site Plan Review Application" for 1165-1207 Washington Street, Hanover, MA, dated August 31, 2007.
- A nine (9) page document entitled "Light Fixture Cut Sheets," submitted as part of a report entitled "Report to Accompany Special Permit and Site Plan Review Application" for 1165-1207 Washington Street, Hanover, MA, dated August 31, 2007.

**SITE PLAN/SPECIAL PERMIT APPROVAL
WASHINGTON STREET SHOPPING CENTER – 1075-1207 WASHINGTON ST
PB08-10SP ("TARGET")**

DATE: MARCH 31, 2008

- A seven (7) page Conceptual Design Report entitled "Wastewater Treatment Facility Summary – Retail Development – Washington Street – Hanover," prepared by Coastal Engineering Company, Inc., dated November 12, 2007.

ACTION ON APPLICATION FOR SITE PLAN REVIEW: APPROVED

VOTE: (Y) MAB (Y) SR (Y) GH (Y) TL (Y) RD (Y) CG (Y) BC

ACTION ON GRANT OF ALL SPECIAL PERMITS: APPROVED

VOTE: (Y) MAB (Y) SR (Y) GH (Y) TL (Y) RD (Y) CG (Y) BC

**SITE PLAN APPROVAL AND SPECIAL PERMIT APPLICATION
FOR WASHINGTON STREET SHOPPING CENTER / TARGET**

In accordance with Massachusetts General Laws (M.G.L.), Chapter 40A (The Zoning Act), Sections 9 & 11 and the Zoning By-Law for the Town, Sections 6.220.B. and N. (Uses Permitted by Special Permit in the Commercial District), 6.130.B (Multiple Use Buildings), 6.820 (Administrative Authority), 6.860.B (Uses Permitted by Special Permit in the Aquifer Protection Zone), 6.860.B.6 (Privately Owned Sewage Treatment Facilities), 6.860.B.8 (Change of a Pre-existing, Non-conforming, Non-residential Structure), 7.660 (Change in Grade or Elevation), 8.410 (Driveways Through Side Buffers), 9.300 (Reduction in Parking Requirements) and 10.000 (Site Plan Approval) the Planning Board held a Public Hearing on Monday, September 24, 2007 at 7:00 p.m. in the second floor hearing room of the Hanover Town Hall, 550 Hanover St., Hanover, MA 02339 for the purpose of hearing the application of Hanover Washington Limited Partnership, c/o Forcst Properties, 19 Needham Street, Newton, MA 02461.

The Public Hearing and continuances thereof (September 24, 2007, November 19, 2007, January 7, 2008, January 28, 2008 and February 25, 2008) were held pursuant to notice published in the Patriot Ledger and mailed to parties in interest in accordance with Massachusetts General Laws (M.G.L.), Chap. 40A (The Zoning Act) and the Hanover Zoning By-Law.

BACKGROUND

The applicant proposes to develop a site of approximately 39 acres, demolishing or renovating the existing 40,000 square foot retail building (formerly Decathlon Sporting Goods) for retail and restaurant use, preserving and renovating the existing 11,650± office building at 1165 Washington Street for additional retail and office uses, and constructing three additional buildings of approximately 200,000 square feet of retail and restaurant space (including a proposed 130,000 square foot "Target" store. The applicant also proposes to construct and redesign associated site amenities, such as parking, landscaping, and drainage and to construct a privately owned sewage treatment facility. The site is located at approximately 1207 – 1165 Washington Street, on the east side of Washington Street, and is further identified as Lots 011, 012, 013, 016, 022, 058, 059, and 060 on Assessor's Map 24.

FINDINGS

After thorough analysis and deliberation, the Planning Board finds that the applicants have complied with all pertinent provisions of the Massachusetts General Laws (M.G.L.), Chap. 40A (The Zoning Act) and the Zoning By-Law for the Town, as described above, subject to compliance with the condition 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 6.800 and Section 10 are met by the proposed project.
- 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, reconstruction, 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.
- E) With respect to the proposed grading of the property, the final grade or elevation shall not cause an immediate or potential devaluation of property values of adjoining properties and/or of the general area.
- F) The site has adequate capacity for parking of vehicles at peak hour and the approved reduction in parking space requirements is not substantially more detrimental to public safety than adhering to the requirements of the Hanover Zoning Bylaw Section 10. We note that the applicant has provided areas on the site where additional parking could be constructed in the future if found to be necessary for existing or alternative uses.
- G) The proposed site plan meets the criteria established in Section 10.200 of the Hanover Zoning Bylaw for review of site plans and project impacts.
- H) The Board has considered the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures fail. Based upon the Drawings and the peer review and taking into account the conditions imposed by this decision, the groundwater quality resulting from the proposed development will not violate state and federal drinking water standards at the down gradient property boundary.
- I) Based on the proposed installation of an improved site-wide drainage system and the implementation of "low impact development" features in the storm water drainage system of this project, alteration of the existing buildings on the site for the purpose of construction in accordance with the above referenced and approved plans is not substantially more detrimental to the water resources than the existing, non-conforming structure within the Water Resource Protection District.

DECISION

Now, therefore, by unanimous vote, the Planning Board hereby approves the subject application for Special Permit and Site Plan Approval for the construction of the proposed "Washington Street Shopping Center" and "Target" retail development in accordance with Massachusetts General Laws (M.G.L.), Chap. 40A (The Zoning Act) and the Zoning By-Law for the Town, and authorizes the subject construction and use(s) in accordance with the above referenced and approved plans and reports, subject to the below listed Special and General Conditions.

SPECIAL CONDITIONS

1. Unless otherwise shown on the above referenced and approved drawings, the locations and installation of vertical granite curbing, sloped granite curbing, and precast concrete curbing segments shall be made in accordance with the Planning Board's "Rules and Regulations Governing the Subdivision of Land in Hanover, Massachusetts" as approved by the Hanover Planning Board with Amendments to June 15th, 1998.
2. While the Cut and Fill Plan indicates a roughly even cut and fill, construction of this project may require truckloads of some fill to or from the site. The applicant shall obtain written approval from the Hanover Police Department that an adequate Traffic Control Plan is in place to provide safe access to and from the site at all times during construction. The Traffic Control Plan shall address truck staging areas, hours of hauling and access, police details for Washington Street and regular street sweeping. At a minimum the contractor shall provide for weekly sweeping of affected areas of Washington Street and any other roadway or driveway impacted during construction. Any changes to the Traffic Control Plan shall require prior written approval of the Hanover Police Department. A copy of the Traffic Control Plan shall be submitted to the Town Planner prior to the required Pre-Construction Meeting for this project. No construction shall begin until this condition has been satisfied.
3. The applicant shall apply for all requisite NPDES permits and certificates prior to any construction for this project and shall provide a copy of such permits and certificates to the Town Planner prior to the required Pre-Construction Meeting for this project.
4. All water services and installations shall be in accordance with the requirements of the Hanover Department of Public Works (DPW). The applicant shall contact the DPW Superintendent to ensure proper inspections of such utilities prior to backfill. Failure of the applicant and/or contractor to obtain visual inspection of such services and installations prior to backfill shall require that the applicant and/or contractor uncover such features for proper inspection.
5. At the Pre-Construction meeting the applicant shall provide the Town Planner a copy of the proposed construction schedule indicating projected month-by-month 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).
6. Wetlands replication area plantings (as indicated on the plans) shall be provided according to an approved Order of Conditions obtained from the Hanover Conservation Commission or other authorized body. All construction procedures within the applicable buffers for Wetlands Resource Areas and Buffers shall be in compliance with said Order of Conditions.
7. If the Conservation Commission allows for work within the buffer zone, the contractor shall strictly adhere to the limit of work/erosion control barriers. Stakes delineating the limit of work shall be located in the field and shall not be removed at any time during construction. Temporary sheeting or other measures shall be installed to provide for excavation stability during construction of the retaining walls and slopes as necessary. Any area disturbed by the removal of the sediment barrier and removal of temporary sheeting shall be restored to original grade and stabilized with a conservation seed mix.

8. Construction work shall not proceed on any Phase of the project until the applicable proposed limit of work lines (silt fence and hay bale barrier indicated on plans approved by the Conservation Commission) have been inspected and approved by the Town Planner and Conservation Agent of the Town. No construction work shall be allowed beyond these limits of work unless so indicated on the above referenced and approved plans. Upon notification from the Town Planner or Conservation Agent that such erosion control measures have been removed or damaged the contractor shall immediately replace the damaged or missing barrier. The contractor shall maintain an adequate supply of Siltation Fence and Haybales on site during all phases of construction to provide for immediate response.
9. No individual Occupancy Permit shall be issued by the Building Inspector for any building within this development until such time as the Town Planner certifies in writing (or by signing the Final Building & Occupancy Permit that roadway construction and installation of services, grading and landscaping are in accordance with the above referenced and approved Site Plans and are adequate to serve the specific building or, alternatively, that reasonably sufficient financial security exists in the opinion of the Planning Board (by way of bonding or funds held in escrow) to secure said performance in the event that the project is completed in phases. Before Site Plan Signoffs and/or Occupancy Permits are issued for any building or use within this project, the required landscaping for the applicable structures or uses (abutting landscaping on all sides) shall be substantially completed in accordance with the above referenced and approved plans. The issuance of Site Plan Signoff and Occupancy Permits for this project shall be conditional upon the satisfactory completion of such work, or due to limitations imposed by season and weather conditions, the applicant's deposit of sufficient funds with the Planning Board as a financial security or guarantee for the completion of such work. The Planning Board may require financial security for portions of the project in lieu of bonding for all work remaining in the project.
10. All landscaping and other site amenities throughout the project shall be in accordance with the above referenced and approved plans. In any area for which existing vegetation is not preserved and no landscaping is proposed the applicant shall ensure adequate seeding and landscaping to stabilize the area and provide a transition between existing and proposed vegetation.
11. The applicant requests approval of the proposed Waste Water Treatment Plant (WWTP) pursuant to the Hanover Zoning Bylaw, Section 6.860.B.6., entitled "Privately-owned sewage treatment facility in Aquifer Protection Zone." All uses proposed in the subject development will require the proper design, construction and operating capacity of the WWTP (as shown on the above referenced and approved Site Plan) to provide proper treatment of wastewater. As such, no Occupancy Permits shall be issued by the Building Inspector within this development until such time as the Town Planner certifies in writing that the applicant has provided a letter of Compliance from the Department of Environmental Protection (DEP) as proof that the WWTP has been constructed in compliance with the required final Groundwater Discharge Permit. At all times the proposed WWTP shall maintain compliance with the Groundwater Discharge Permit issued by the DEP, 314 CMR 4.00, as amended. The Hanover Board of Health and DPW shall receive a copy of any reports submitted to the DEP regarding the proper functioning, ongoing maintenance and monitoring of the WWTP.
12. 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 maintain compliance with the Board of Public Works "Certificate of Water Quality Compliance" (CWQC) issued for the subject development. Said conditions are incorporated herein by reference.

13. 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 Inspector.
14. 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.
15. The applicants have indicated a desire to construct the project in phases. The Planning Board has approved the concept of such phasing provided that appropriate financial security, adequate in the opinion of the Board, is posted for the purpose of ensuring the completion of all roadways, drainage structures and facilities, and the installation of municipal and utility services for the remainder of the project or portion of the project if completed in phases. Such financial security, if proposed in the form of bonding, shall be in a form, amount, and manner of execution acceptable to the Planning Board and Town Counsel and with any sureties and conditions recommended by the Town's Director of Finance. Any such bonding shall be contingent upon the completion of all required improvements within such time as specified by the Planning Board.
16. 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 \$6,000 (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 \$3,000, the applicant shall deposit sufficient funds to return the account to the \$6,000 balance. The balance of said consultant review account shall be replenished to \$6,000 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. The purpose of inspections is to ensure a qualified peer review of work performed in the field, to ensure the work complies with the approved plans, and to quickly respond to and address any issues which may arise during construction. The amount of such consultant review funds expended during the construction of the project from this Consultant Review Account shall not exceed \$25,000 without authorization by the Planning Board after obtaining feedback from the applicant. This reasonable estimate is based on a two (2) hour (+/-) inspection every other week (+/-) during construction and in consideration of the proposed project timeline (completion in 2009).
17. Whenever the applicants seek approval for the issuance of Building and/or Occupancy Permits or whenever the applicants seek to alter the amount of financial security required above, the applicant shall submit a written request to the Town Planner to initiate the requisite inspectional services of condition # 19, above.
18. No fences constructed as part of this development, including those required for the proposed Waste Water Treatment Plant shall be chain-link or wire-mesh. All such fences shall be decorative solid stockade or similar design, including wrought iron or decorative metal (if approved in writing by the Town Planner). Fences behind the proposed "Target" building (directly south and east of the building) may be chain-link.

19. Any and all uses within the development shall comply with the Safe Drinking Water Act (SDWA), including the use of chemicals. No solvents, hazardous cleaners or chemicals shall be disposed of or allowed to enter into the wastewater system, stormwater system or proposed WWTP.
20. The applicant and any other ownership entities shall provide full contact information (including phone, fax, address, email, and emergency phone numbers) to the Town Planner and Superintendent of Public Works for the property manager(s) and WWTP operator prior to any Site Plan Signoffs or Occupancy Permits within the project.
21. All exterior lighting, whether placed along roads, drives, or walks, in parking areas, or on structures or other facilities, shall be arranged and shielded so as not to distract in an unreasonable manner nor shine directly upon abutting properties or uses and/or public ways. All light fixtures indicated on the above referenced and approved plans shall be installed with shoebox or ornamental style light cut-off fixtures in order to prevent unnecessary and offensive light glare.
22. All site construction within the project shall conform fully to the above referenced and approved Site Plans, including the footprint of all buildings. Any change in the location of structures or any other site features shall require prior written approval of the Planning Board, in the form of an approved Special Permit and Site Plan Modification.
23. The applicant shall provide two (2) copies of a final As-Built Plan for this project at the time of completion of this project and prior to the issuance of an Occupancy Permit for the last building within the development. Said As-Built shall be provided in hard copy drawings and AutoCAD format. The As-Built plan shall indicate the location of all roads, drives, property lines, easements, structures and utilities (above and below ground) and shall contain the stamp of a Registered Professional Surveyor along with a statement that the information depicted on the plan is based on actual field survey.
24. 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.
25. The applicant shall provide separate water service taps accessing each structure within the development from the proposed water mains as shown on the above referenced plans, and separate water meters for each tenant and use. Prior to the issuance of Occupancy Permits for any uses within the project the Superintendent of Public Works or Water Department shall certify that this condition has been complied with by signing the Occupancy Permit or by written certification to the Building Inspector.
26. In accordance with the Hanover Zoning Bylaw, Section 10.110.T., and to ensure that the municipal water supply system – already near capacity - 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.

27. 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 (VOC) as listed in the Massachusetts Drinking Water Regulation (310 CMR 22.07). Further, 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.
28. Any tanks or other facilities required for the proposed WWTP shall be closed and shielded sufficiently to prevent offensive odor.
29. The proposed development will be constructed within the Town's Aquifer Protection District and adjacent to the Town's Well Protection Zone. The applicant shall fully install two (2) Groundwater Monitoring Wells at the southern most end of the site at specific locations approved by the Superintendent of Public Works. In order to ensure that the Town can adequately monitor the quality of groundwater prior to, during, and after construction of the project, the applicant shall provide a recorded easement to the Town's DPW providing physical access to the Groundwater Monitoring Wells from Washington Street and through the proposed access drives. Prior to the initiation of any construction activities, the applicant shall provide a copy of such properly recorded deed or easement to the Town Planner. Prior to the issuance of any Occupancy Permits within the project by the Building Inspector, the DPW Superintendent shall certify in writing that the applicant has properly installed the Groundwater Monitoring Wells according to the requirements of the Town. After installation the Town shall be responsible for maintenance and monitoring of the Groundwater Monitoring Wells.
30. The maintenance of all proposed utilities and facilities (including but not limited to: roadways, drives, all utilities, trash disposal, stormwater operation and maintenance, sewer and water lines, leak detection, landscaping, site amenities, and lighting) shall remain the responsibility of the private owner.
31. The location of Fire Hydrants (indicated on the above referenced and approved Site Plans) may be modified at the request of the applicant, subject to approval of the Fire Department and DPW with a copy of such approval provided to the Town Planner. All final locations shall be subject to approval of the Fire Department.
32. Prior to the required Pre-Construction Meeting, and before any construction, the applicant shall provide ten (10) full size (24"x36" or larger) copies of the final approved Site Plan set (see above) to the Planning Board (for consistent distribution among Town Departments), and one (1) full copy of the approved plan set in AutoCAD format (viewable and editable in AutoCAD 2007 L.T) and Adobe PDF format each.
33. In accordance with the Hanover Zoning Bylaw, Section 6.840, and in order to protect Hanover's Aquifer, no Building Permit or Occupancy Permit shall be issued for any use which is prohibited within Hanover's Water Resource Protection District (as amended from time to time), and no such uses shall be allowed. As the construction of this project requires earth removal and grading operations, it is the opinion of the Planning Board that the development of this project is not prohibited within the meaning of the Hanover Zoning Bylaw, Section 6.840, item I. Further, the Planning Board has not prohibited the use of bus stops and/or routes within this development inasmuch as they serve the mix of uses and do not derogate from the

above referenced and approved plans. As such, it is the opinion of the Planning Board that this project, as proposed, is not prohibited within the meaning of the Hanover Zoning Bylaw, Section 6.840, item D. Further, Section 6.840.Y. of the Hanover Zoning Bylaw prohibits "Commercial establishments for printing, photocopying, or photographic processing." Pursuant to the Hanover Zoning Bylaw, Section 6.860.B.1., the Planning Board hereby conditionally permits such uses provided that prior to grant of ANY Occupancy Permit for ANY such use (accessory, incidental or otherwise) the applicant must provide to both the Town Planner and Building Inspector written approval by the Board of Public Works and the Board of Health that the proposed uses can satisfy the requirements of the regulations promulgated and that such uses will not be detrimental to the Town Water Supply. Said uses shall (if approved by the Board of Public Works and Board of Health maintain compliance with ANY and ALL conditions of said boards, departments and regulations thereof.) Irrespective of any approvals granted by said Board of Public Works and Board of Health, at NO time shall any photocopying or photo processing chemicals of any kind be disposed of or discharged through the proposed Wastewater Treatment Plant (WWTP), stormwater management system, or any other underground infiltration system. All such chemicals shall be contained and transferred off-site for disposal. NO SUCH PRINTING, PHOTOCOPYING, OR PHOTOGRAPHIC PROCESSING USES SHALL BE ALLOWED WITHOUT EXPRESS WRITTEN PERMISSION OF THE BOARD OF PUBLIC WORKS AND BOARD OF HEALTH IN ACCORDANCE HEREWITH.

34. All buildings and units shall be provided with sprinkler systems in accordance with state and town fire prevention regulations. This condition shall not apply to the existing office building which is to remain, unless such a sprinkler system is required by state law.
35. The applicant shall provide documentation to the Town Planner of the source and quality of all fill to be brought to the project site during construction. All such fill shall be clean and free of any debris, chemicals or waste matter.
36. At no time shall any non-sanitary waste be discharged into the proposed sewage disposal system (WWTP). The applicant shall be required to furnish to the Hanover Department of Public Works and Board of Health a copy of all monitoring reports for the proposed WWTP, including any daily reports and calculations on wastewater flows and water quality required by or submitted to the DEP.
37. In order to ensure compliance with the above referenced and approved architectural plans (with respect to facade design and treatments), applications for any Building Permit within the development shall require signoff (approval) from the Town Planner to indicate compliance with said plans. Said signoff (approval) shall not be withheld unless the architectural and building plans submitted to the Building Inspector do not comply or substantially deviate from the above referenced and approved drawings and renderings (Exhibits above). In the event that signoff (approval) is withheld, the Town Planner shall indicate in writing the reason(s) for such denial to the applicant and the Building Inspector.
38. All walkways, sidewalks and other features in the development shall be constructed in accordance with the Americans with Disabilities Act (ADA) and Architectural Access Board guidelines and requirements.
39. The applicant shall submit either an Approval Not Required (ANR) plan or a plan endorsed pursuant to Massachusetts General Laws (M.G.L.) Chapter 41, Section 81X, to the Planning Board in accordance with the above referenced plans for this project and site. Said plan (to combine the applicable lots) shall be recorded and submitted prior to any construction on site.

40. **Traffic & Development Mitigation:**

In order to ensure compliance with the Hanover Zoning Bylaw, Sections 10.120 and Section 11, the applicant shall be required to complete the following specific mitigation relative to traffic impacts from this project, all of which are consistent with the above regulations and the above referenced traffic and impact analysis provided by the applicant under this application and through the MEPA process for this project.

A copy of any design drawings and other required filings for MassHighway permitting shall be provided to the Town Planner at the time of such filing as well as the approved final plans. Said plans shall be provided in hard-copy (Bond Paper) and AutoCAD format.

A) **Main Entrance Improvements:**

The applicant shall be required to complete "front door" intersection and signalization improvements at the main entrance to the proposed development as shown in conceptual format on the above referenced Conceptual Design Plan entitled "Intersection Improvements Washington Street (Route 53) Hanover, Massachusetts" prepared for Hanover Washington LP, prepared by MDM Transportation Consultants, Inc., dated January 2008. Said improvements shall be substantially completed such that the new traffic light is operational prior to Site Plan Signoff and Occupancy Permits are granted within this development. The applicant shall ensure that an Opticom Beacon and Emergency Vehicle Signal Pre-emption System are installed as part of the required signalization. Further, the applicant shall coordinate the timing and completion of all work in connection with the Route 53 Phase 1B roadway widening scheduled to begin construction in April 2008. Said intersection improvements shall be subject to further requirements and modifications required by the Massachusetts Highway Department (MassHighway). The Planning Board may, by further action of the Planning Board but without further public hearing permit a temporary or "soft" opening without some or all of the traffic light system being fully operational, subject to such limits and provisions, including without limitation police details as the Planning Board may determine.

The applicant is required to construct the proposed "front door" intersection improvements on Washington Street adjacent to the former Pine Street Right-of-Way substantially in accordance with the following Concept Plans:

- A single sheet Conceptual Design Plan entitled "Intersection Improvements Washington Street (Route 53) Hanover, Massachusetts" prepared for Hanover Washington LP, prepared by MDM Transportation Consultants, Inc., dated January 2008.
- A single sheet Conceptual Design Plan entitled "Proposed Squires & KAM Layout Sketch" prepared for Hanover Washington LP, Route 53, Hanover, MA, prepared by Kelly Engineering Group, Inc., dated 02/20/08.

This alignment will improve access to the existing businesses at 1176 and 1202 Washington Street (currently occupied by KAM Appliances and Squires Restaurant) while also improving the safety and effectiveness of this intersection. The "Proposed Evergreen Plantings" shall be Norway Spruce variety, a minimum of 3.5" DBH, and a minimum of 6' in height, or an equal substitution approved in writing by the Town Planner. The Planning Board may require additional plantings adjacent to

the proposed fence at the time of Site Plan Signoff if for any reason the proposed fencing and plantings are insufficient to screen the proposed driveway connection from public view at Pine Street. The proposed "boulder wall" shall be a stone wall constructed in accordance with a detail or specifications sheet approved by the Town Planner.

The Planning Board acknowledges that implementation of this intersection alignment (as proposed by the applicant in the above referenced drawings) will require the coordination of improvements on several properties owned or controlled by others including the Town (former Pine Street Right-of-Way). However, based on meetings and communications with the affected parties we believe there should be no significant obstacle to implementation of the approved intersection alignment.

As use of the former Pine Street Right-of-Way for these improvements may require a formal action by Hanover's Town Meeting (May 5th, 2008) to permanently "abandon" and "discontinue" the Right-of-Way, the applicant has substantial amount of time to coordinate the other required agreements, easements, property line changes and site plan modifications necessary for the applicable properties and businesses. However, in the event that either of the involved property owners fails to agree upon the required property line changes and site improvements or if Town Meeting fails to approve the required abandonment and/or the transfer of the Pine Street Right-of-Way for use in accordance with the above referenced concept plans by May 8th, 2008, and the applicant can provide written evidence thereof, the applicant may develop this project with all of the traffic improvements as proposed *without* the proposed driveway connection between the Price and Squires property, provided however that the applicant shall then provide a cash mitigation deposit to the Town of Hanover in the amount of \$75,000 by May 15th, 2008 to be held by the Town and utilized for the future construction of said driveway at the time necessary agreements can be secured by the Town or other parties.

B) Corridor-Level Signalization Mitigation:

In accordance with the Single Environmental Impact Report (SEIR) submitted by the applicant under the MEPA process, the applicant shall implement coordinated signal operation along Washington Street from the project site to Route 3 (three signals) if required by MassHighway or through a Section 61 Finding under the MEPA process. Said improvements shall be completed prior to Site Plan Signoff and Occupancy Permits are granted within this development. The Planning Board may, by further action of the Planning Board but without further public hearing permit a temporary or "soft" opening without some or all of the coordinated traffic light system being fully operational, subject to such limits and provisions as the Planning Board may determine.

C) Corridor-Level Financial Mitigation:

The applicant's traffic analysis indicates that approximately two-thirds of the traffic generated by this development will travel through the intersection at the Route 3 Northbound off-ramp onto Route 53 (Washington Street).

In accordance with the applicant's Letter of Commitment (see above), Traffic Impact Analysis (see above), the Massachusetts Environmental Policy Act (MEPA) Environmental Notification Form (ENF) and Single Environmental Impact Report (SEIR) (see above), the above mentioned regulations, and a peer review of the applicant's traffic analysis, the applicant shall provide \$180,000

DATE: MARCH 31, 2008

toward the design of future widening and signalization along Route 53. Said funds shall be deposited into an escrow account for traffic mitigation with the Town of Hanover, such funds to be administered by the Planning Board.

If upon the receipt of a so-called "Section 61 Finding" from the Commonwealth's Executive Office of Transportation (EOT) the applicant is not required to complete any long-term signalization or intersection improvements at the Route 3 northbound off-ramp to Route 53, said funds shall immediately be transferred to the Route 53 Fund administered by the Hanover Board of Selectmen in order to coordinate the use of these funds with design and construction work already underway on Route 53 or planned future improvements.

If upon the receipt of a so-called "Section 61 Finding" from the Commonwealth's Executive Office of Transportation (EOT) the applicant is required to complete any long-term signalization or intersection improvements at the Route 3 northbound off-ramp to Route 53, the applicant may request from the Planning Board the return of the \$180,000 mitigation described herein (or some portion thereof, based on an a cost-estimate) for use in completing the required additional mitigation. The Planning Board may base any return of funds upon satisfactory completion of necessary improvements as required by EOT or MassHighway.

Signature of this decision by the applicant shall be deemed acceptance of the terms of this condition.

No construction shall begin under this permit until the Town Planner certifies that this condition has been satisfied.

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), Joshua Katzen as representatives off/for Hanover Washington Limited Partnership, c/o Forest Properties Management, Inc., 19 Needham Street, Newton, MA 02461, on this date, April 17, 2008 do hereby certify that I (We) have completely read and do fully understand all Special and General Conditions of Planning Board Decision, PB08-10SP, dated March 31, 2008, relative to the proposed WASHINGTON STREET SHOPPING CENTER ("TARGET") development located off Washington Street in Hanover, MA. In particular, I (We) have completely read and do fully understand the Procedure for the Pre-Construction Meeting, all General and Special Conditions contained herein, Final Site Plan Completion, Town Planner/Planning Board Sign-Off, and Issuance of Building Permits and Occupancy Permits as described in this 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) Joshua Katzen, president
Hanover Washington Corp.
General Partner of
Hanover Washington L.P.

3. **RECORDING AT REGISTRY OF DEEDS:** Within sixty (60) days of the expiration of the twenty (20) day appeal period, the applicant shall record the endorsed Decision at the Registry of Deeds. Evidence of such recording shall be submitted to the Planning Board and to the Building Inspector prior to the initiation of any construction activities.
4. **MODIFICATIONS TO PLANS & PERMIT:** There shall be no deviation from the approved Site Plan and Conditions of this Decision without prior written approval of the Planning Board.

This permit and conditions therein may be amended or modified by the Planning Board at a public hearing as described in Massachusetts General Laws, Chapter 40A, Sections 9 and 11, or without a public hearing when the Planning Board determines that the nature of the amendment or modification is minor in nature and does not substantively or substantially alter the nature of the Special Permit or Site Plan approval issued hereunder.

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.
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 of their intentions by electronic or first class mail. An on-site or in-office pre-construction meeting shall be conducted with the applicant, 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, Police Department and Fire Department. No construction activities shall begin until such time as the required Pre-Construction Meeting has been scheduled and held. No construction shall begin until all local permits required by the Town for this project have been issued. Further, no Pre-Construction Meeting shall be scheduled or held until such time as the applicant satisfies all Special Conditions above relative to work, documentation and submissions required

prior to the Pre-Construction Meeting. Such Special Conditions shall be considered prerequisites to the Pre-Construction meeting.

8. **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.
9. **CURBING REQUIREMENTS:** Whenever an approved Site Plan 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.
10. **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.
11. **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.
12. **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.
13. **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 Town Planner by electronic or first class mail at least four weeks prior to commencing any work on the site. The Town Planner will thereupon schedule a Pre-Construction meeting for the project which shall be held prior to the start of any construction. 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. In accordance with the Hanover Zoning Bylaw, Section 10.390, the time for completion of this project shall extend for two (2) years from the date of the Pre-Construction Meeting for the project. Said time for completion of this project may be extended upon request by applicant and approval by the Planning Board. A new application and approval shall be necessary to proceed with such construction if no extension is granted by the Planning Board.
14. **APPROVAL SCOPE:** This Special Permit, 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).
15. **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.

16. **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.
17. **NO BUILDING PERMIT AND/OR OCCUPANCY PERMIT** shall be issued for construction/occupancy until all debts to the Town have been satisfied.
18. **ENFORCEMENT:** All Special Permits and Site Plan Approvals become enforceable under the Hanover Zoning Bylaw, as an extension thereof. Any violation of this Special Permit and Site Plan Approval is also (by default and reference) a violation of the Zoning Bylaw. Any violation of this Special Permit may result in enforceable legal action (including cease and desist orders and/or applicable fines) by the Hanover Planning Board and Zoning Enforcement Officer (ZEO). Any such violations shall be reason to withhold Occupancy Permits and/or release of financial security.
19. **SITE PLAN SIGN-OFF REQUIRED** No Occupancy Permit shall be issued for the proposed expansion 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. A least two (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.

Inasmuch as the 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 120 days) and tied to the completion of the Site Plan.

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.

20. 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.
21. **Severability:** The provisions of this permit shall be severable. If any provision is found by a court to be invalid, the remaining provisions shall remain fully effective and enforceable. Where a discrepancy exists between the various plans and documents listed above, the Site Plan set shall supercede and prevail in full.

SITE PLAN/SPECIAL PERMIT APPROVAL
WASHINGTON STREET SHOPPING CENTER — 1075-1207 WASHINGTON ST
PB08-10SP ("TARGET")

DATE: MARCH 31, 2008

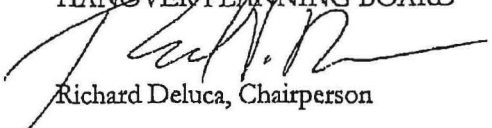
In all cases, where a discrepancy exists between the above referenced documents and this decision, the decision shall supercede and prevail in full. At any time during construction the applicant may request clarification from the Town Planner in order to resolve such discrepancies or may request minor modifications from the Planning Board necessary to rectify discrepancies and/or conflicts in the above referenced plans.

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 is 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 also to be submitted by applicant to the Hanover Building Inspector.)

HANOVER PLANNING BOARD


Richard Deluca, Chairperson

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

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.

A TRUE COPY ATTEST

TOWN CLERK

DATE April 24, 2008



EXHIBIT 3

SPECIAL PERMIT/SPR APPROVAL – Fast Food Establishment
1167-1207 Washington Street
PB File # 22-18

2/14/23

TOWN OF HANOVER
2023 FEB 17 AM 11:39
TOWN CLERK



**PLANNING BOARD
TOWN OF HANOVER, MASSACHUSETTS**

APPROVAL OF SPECIAL PERMIT/SITE PLAN REVIEW

LOCUS: 1167-1207 Washington Street (Map 24 Plot 16 CM)

ZONING: Commercial District
Water Resource Protection District

OWNER(S): Hanover Washington Condominium Trust (Bk 36147/Pg.47)
C/o Forest Properties Management
19 Needham Street
Newton, MA

APPLICANT(S): Hanover Washington Limited Partnership
C/o Josh Katzen
625 Mount Auburn Street-Suite 210
Cambridge, MA 02138

**SURVEYOR/
ENGINEER:** Kelley Engineering Group
C/o Brandon Li (RPE #41697)
0 Campanelli Drive
Braintree, MA 02184

SITE PLAN, DRAWINGS & REPORTS: (ALL INCORPORATED HEREIN BY REFERENCE)

"Site Development Plans for Between #1167 & 1207 Washington Street, Hanover, MA "dated 9/26/22, last rev. 2/7/23 stamped by Brandon Li (RPE #57736) of Kelly Engineering Group, Sheet 1 of 8 (Title Sheet)

“Hanover Washington LP- Between 1167 & 1207 Washington Street, Hanover, MA” dated 9/26/22 last rev 2/7/23 stamped by Brandon Li (RPE #57736) of Kelly Engineering Group, Sheet 2 of 8 (Overall Layout)

“Hanover Washington LP- Between 1167 & 1207 Washington Street, Hanover, MA” dated 9/26/22 last rev 2/7/23 stamped by Steven M. Horsfall (RPL #41068) of Kelly Engineering Group, Sheet 3 of 8 (Existing conditions)

“Hanover Washington LP- Between 1167 & 1207 Washington Street, Hanover, MA” dated 9/26/22 last rev 2/7/23 stamped by Brandon Li (RPE #57736) of Kelly Engineering Group, Sheet 4 of 8 (Layout)

“Hanover Washington LP- Between 1167 & 1207 Washington Street, Hanover, MA” dated 9/26/22 last rev 2/7/23 stamped by Brandon Li (RPE #57736) of Kelly Engineering Group, Sheet 5 of 8 (Grading Plan)

“Hanover Washington LP- Between 1167 & 1207 Washington Street, Hanover, MA” dated 9/26/22 last rev 2/7/23 stamped by Brandon Li (RPE #57736) of Kelly Engineering Group, Sheet 6 of 8 (Sewer, Drainage & Utility)

“Hanover Washington LP- Between 1167 & 1207 Washington Street, Hanover, MA” dated 9/26/22 last rev 2/7/23 stamped by Brandon Li (RPE #57736) of Kelly Engineering Group, Sheet 7 of 8 (Details)

“Hanover Washington LP- Between 1167 & 1207 Washington Street, Hanover, MA” dated 9/26/22 last rev 2/7/23 stamped by Brandon Li (RPE #57736) of Kelly Engineering Group, Sheet 8 of 8 (Details)

VOTE ON SPECIAL PERMIT/SITE PLAN REVIEW (PB# 22-18)

On February 13, 2023 *(subject to the general and special conditions contained herein)*

Member Fornaro **MOTION** to vote approval of the of Special Permit/Site Plan Review Decision PB #22-18 for a 2,550 SF free standing building with a drive-thru window for use as a fast food establishment with 40 indoor seats. In addition, site modifications for parking, travel lanes and landscaping as part of the existing fast food use as shown on approved plans, second by Member Blanchard (Vote 4:1)

VOTE: (N) MaryAnn Brugnoli (Y) Kenneth Blanchard (Y) Meaghan Neville-Dunne
(Y) Giuseppe Fornaro (Y) Bernie Campbell (A) Anthony Cavallaro (A) David Traggorth

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

SPECIAL PERMIT AND SITE PLAN APPROVAL (PB #22-18)

Notice is hereby given in accordance with Massachusetts General Laws (MGL), Chapter 40A Section 9 and 11 (the Zoning Act) and the Hanover Zoning Bylaws Sections 6, 7, 8, 9, 10 and 11 in their entirety that the Town of Hanover Planning Board held a public hearing on **Monday, December 19, 2022 at 7:00 p.m.** at Hanover Town Hall and also via Zoom video call for the purpose of hearing the application of Hanover Washington Limited Partnership c/o Josh Katzen, 625 Mount Auburn Street (Suite 210), Cambridge, MA 02138. The applicant is requesting a Special Permit & Site Plan Review to construct a 2,550-free-standing building, with a drive-thru window, for use as a fast food restaurant with 40 seats. The proposed building is to be located within the parking lot of the existing shopping plaza at 1167-1207 Washington Street.

The site is located at: 1167-1207 Washington Street, Hanover and is further identified as Map 24 Lot 16 CM consisting of 37.7 acres of lot area located in the Commercial District and Water Resource Protection District. The original public hearing (December 19, 2022) was duly advertised and mutually continued to January 23, 2023 and February 13, 2023. On February 13, 2013 the Hanover Planning Board, acting as the Special Permit Granting Authority approved the proposal with conditions.

FINDINGS

After thorough analysis and deliberation, the Planning Board acting as the Special Permit Granting Authority (SPGA), reviewed and approved the Special Permit/Site Plan Review approval (PB File #22-18) that allowed for the development of a 2,550 SF fast food restaurant with a drive-thru window and related site amenities as to utilities, parking area, travel aisles and landscaping within an existing parking lot area at 1167-1207 Washington Street. The current site is a commercial condominium consisting of five condo sites. The SPGA finds that under the pertinent provisions of the Zoning By-Law for the Town as follows:

Section 6.200 (Commercial District) – The SPGA found that the premises of the proposed fast food use are located in an existing customer parking area at 1167-1207 Washington Street. Fast-food establishment with drive thru windows are allowed by Special Permit in the Commercial District (see 6.220 B & N). A major concern of the SPGA was that the applicant did not identify the user who would be the operating fast food establishment. Traffic counts and project peaks volumes for a coffee shop related uses can be different than those that serve full service meal menu use. The applicant's traffic engineer did show both potential uses in the submitted traffic assessment submitted. The SPGA has requested notice of the eventual tenant and that a new traffic study be submitted for review and approval. When the original Target was approved in 2008, SPGA review and approval was necessary given its size and location within the Aquifer Protection Overlay District (See Special Permit/SPR Approval Norfolk

Registry of Deeds Book 35911 Page 159). The applicants chose to file a separate Special Permit/Site Plan Review for the proposal rather than modify the original decision.

Section 6.800 (Water Resource Protection District) – The existing site is located in a Commercial Zoning District and also within the Hanover Aquifer Protection Overlay District. Development within the Aquifer Overlay requires a heightened scrutiny of any surface stormwater runoff. The proposed construction being located within an existing parking lot area will have some minor modifications relative to the building placement and existing drainage system. The site will be serviced by a sewer treatment facility that exists on site for the entire shopping center. The conditions of the original 2008 Special Permit will be carried forward and remain in force and continue to pertain to prohibited uses of deicing chemicals with snow removal operations. It should be noted that the proposed building does not increase the impervious lot coverage of the existing shopping site which is currently 49% (in Aquifer max. 50%) in compliance with the Zoning Bylaw. In addition, more landscaping will be added with this proposal increasing the open space to 25%. The SPGA found this section of the Zoning Bylaws to be compliant as it pertains to this development.

Under Section 7.00 (Dimensional Requirements) – As new construction, all density and dimensional requirements are reviewed. Since the area of development is a small portion of a larger pre-developed site of 37.7 acres the applicant's engineer included the development's ratios into entire site density and dimensional table. The proposed building is to be constructed over an existing pavement area. The original permit had "banked" parking spaces depicted on the site plan but not actually built on the site that could be built if necessary in the future. The maximum lot coverage is 49% and the building coverage is 13.8 % for the entire site. The entire site is required to have 1,386 parking spaces in total and there are 1,003 parking spaces constructed and 466 parking spaces banked for further development. In another VPUD Special Permit/Site Plan Review (File #19-19) the approval provided a waiver as to required parking. The SPGA found this proposed development to meet the requirements of this section of the Zoning Bylaw.

Under Section 8 (Landscaping and Buffers) The SPGA discussed with the applicants their concern with traffic circulation and potential cut across parking fields in relation to the proposed use. It was agreed a landscape island would be installed along the easterly side of the parking fields to be used by the fast food establishment. This would provide more organized vehicular traffic circulation pattern with the building operation and the drive-thru window customers. The applicants agreed that a landscape plan will be provided to SPGA as a condition of approval (See condition #29). Additional landscaping is shown on the site plan and will be part of the overall site's open space at 25%. The property owner will be responsible for the care and if needed replacement of landscaping for overall appearance of the site for an aesthetically pleasing curb appeal. No residential property abuts the site and therefore no vegetative buffers were required. The SPGA found the proposal to be compliant with this section of the Zoning Bylaw.

Under Section 9.010 (Off Street Parking and Loading Areas)

The SPGA reviewed the proposed site plans as to the parking requirements, aisle widths, public safety access and overall traffic generation. See traffic related comments under the SPGA findings of ZBL Section 6.200 above as well. The applicant's engaged MDM Transportation Consultants who provided a Traffic Impact Assessment (TIA) memo dated 12/12/22 as well as a PowerPoint presentation at the 12/19/22 public hearing. The key TIA results indicate a "pass by type of activity" will be utilized and therefore showing a modest traffic generation but no mitigation needed. The TIA also addressed the drive-thru operations and assumptions as to the level of service for each transaction. The SPGA without the knowing the operating business will require the applicant and/or tenant to return for a discussion on this and other locations as to the service transaction time prior to issuance of any Certificate of Occupancy. The proposed Drive-thru window has been designed for a ten (10) vehicle que around the building and within the existing parking areas of the retail complex. Surrounding the proposed building there is approximately 31 parking spaces and the opportunity of "banked" non-built parking spaces if needed that are located closest to Washington Street/Route 53 end of the parking area on the approved plans. The proposed building is designed to support 40 seats which requires 14 parking spaces & handicap parking spaces. The travel bypass aisle next to the que customer aisle is 18' LF in width and provides sufficient travel access for emergency vehicles. Initially the Hanover Fire department requested a swept path analysis in their email of 12/1/22 which was provided by the applicant and in a subsequent email dated 1/19/23 stated they had no issues with the proposal. The SPGA found this section of the Zoning Bylaw has been addressed.

Section 10.000 (Site Plan Approval)

The proposed development and site modifications were circulated to the various Town Departments and responses were received from Water and Fire Department. The entire site is subject to multiple Special Permits/Site Plan Review Approvals as a whole which will continue to include this development/condominium.

Under Section 11.000 (Mitigation of Development Impacts for Site Plans and Special Permits)

The proposed development of the fast food establishment does not alone trigger any increased thresholds that would require the applicant to address under this section. Prior Special permit/Site Plan Approvals did have mitigation required and have been addressed for the entire shopping center under these approvals.

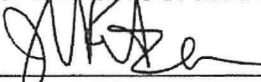
DECISION

Now, therefore, by a 4:1 vote, the Planning Board hereby approves the subject application for a Special Permit/Site Plan Review Decision (PB#22-18) in accordance with the provisions of the Hanover Zoning By-law with authorization for the subject use in accordance with the above referenced and approved plans, subject to the below listed Special and General Conditions.

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, Joshua Katzen as representatives of/for Hanover Washington LP on this date, March 21, 2023 do hereby certify that I (We) have completely read and do fully understand all General AND Special Conditions of Planning Board Decision, TPL #22-18, dated February 13, 2023, relative to a proposed Fast Food establishment at the existing location and related site improvements at 1167-1207 Washington Street, Hanover, MA 02339. In particular, I (We) have completely read and do fully understand the Procedure for Final Special Permit/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, with the best of my (our) ability, with all aspects of the approved Special Permit/Site Plan and with all Special and General Conditions of the Decision.



Signature(s)

3. **RECORDING AT REGISTRY OF DEEDS:** Within sixty (60) days of the expiration of the twenty (20) day appeal period, the applicant shall record the endorsed Decision at the 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 Special Permit/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 Special Permit/Site Plan Sign-Off. In the event that the applicant intends to seek a Conditional Special Permit/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 Special Permit/ Site Plan Sign-Off.

5. **ZONING BY-LAW COMPLIANCE:** No aspect of this Special Permit/Site Plan Approval 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 Special Permit/Site Plan Approval 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:** (See Condition #31) 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. A 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 Commissioner, Conservation Commission, Department of Public Works and Fire Department.
8. **LANDSCAPING GENERAL:** Prior to the issuance of a Certificate of Occupancy for the subject construction, 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 Special Permit/Site Plan Approval and of the Zoning By-Law for the Town and may be treated accordingly.
10. **CURBING REQUIREMENTS:** Whenever an approved Site Plan 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 Special Permit/Site Plan Approval. We specifically call your attention to the possibility of need for permits from the Board of Health, the Board of Public Works, the Select Board 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 **three (3) years** of the date of filing of this decision with the Town Clerk, then the granting of this Special Permit/Site Plan Approval shall become null and void (See Zoning Bylaw). 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).

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. **SPECIAL PERMIT/SITE PLAN SIGN-OFF REQUIRED** No Occupancy Permit shall be issued for the proposed Building until the Town Planner certifies to the Building Commissioner 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 two (2) weeks prior to seeking an Occupancy Permit/Final Inspection from the Building Commissioner, the applicant shall submit a written request to the Town Planner to make such inspections as are necessary to verify said completion.
21. In as much as the 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 Special Permit/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 Special Permit/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 Commissioner 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 Special Permit/Site Plan.
22. 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 Final Inspection by the Building Department.

23. All construction shall be in accordance with the approved drawings and reports referenced above.
24. All water services and installations shall be in accordance with the requirements of the Town of Hanover Department of Public Works.

SPECIAL CONDITIONS

25. This approval is for a 2,550 SF (+/- 100 SF) one story fast-food establishment with one drive-thru window and forty (40) interior seats. Any significant change to the use, building size and or number of drive-thru windows shall under condition #4 require the applicant to seek approval from the SPGA prior to issuance of any building permits.
26. The existing shopping plaza remains as one lot (Map 24 Plot 16 CM) comprised of five (5) commercial condominiums created with the phased development of the site. These prior Special Permits/VPUD/Site Plan Reviews and their conditions relative to the site and supporting infrastructure as a whole will continue to pertain to this site in addition to this Approval.
27. **Prior to the issuance of any building permit including a foundation/slab permit,** architectural renderings with information on building materials, color scheme and any awnings or canopies of the exterior building shall be provided for the SPGA for review and approval once the fast food establishment operator has been designated.
28. Once an Operator and/or Tenant is determined to occupy this location before the **issuance of any Building Permit including a foundation/slab permit,** the applicant and proposed tenant shall have submitted a revised Traffic Impact Assessment (TIA) to the SPGA for review and approval **prior to the issuance of Certificate of Occupancy.**
29. **Prior to the start of any site work;** the landscaping and wayfinding signage plans shall have been submitted to the Planning Board for review before any site work or mobilization shall commence.
30. **Prior to the issuance of a building permit including a foundation/slab permit,** the applicant and/or General Contractor shall have provided a Certificate of Water Quality approved by the Hanover Department of Public Works.
31. **In accordance with condition #7 and prior to the start of any mobilization or site work,** a pre-development meeting with the Town Planner with the applicant, developer and site work contractor shall be held to review all conditions of the decision. At this meeting the following materials shall be provided to the Town Planner:

- a. Name, Address and a 24/7 telephone number of General and/or Site Contractor
 - b. Estimated construction schedule and completion deadline
 - c. Proposed location of construction trailer, stockpiling and construction fencing depicted on a site plan.
 - d. A designated area located on the site plan for parking of all construction workers, including all general and subcontractors. Written notice (letter or email) to construction companies of the designated parking area shall be provided prior to the start of any work.
32. Site work will be occurring with the continued operation of the retail shopping complex, a traffic circulation plan shall be provided by the applicant and general contractor prior to the start of any site work to the Planning Department. The Police and Fire Departments will review and approve said plan, discuss any alternatives or the need for police or fire details during peak operational times to ensure public safety.
33. During construction, the applicant and general contractor shall be responsible for keeping the site in a relatively clean and orderly manner, if material is being tracked out of the site onto adjacent ways the general contractor shall broom sweep daily such affected ways. Any catch basins located down gradient of the development site on the paved surface of the designated truck route shall have catch basin inserts installed for the life of the construction to protect from sediment entering into the storm water discharge. In the event of any forecasted long inclement weather event, additional erosion control measures may be required for the site and around stockpile areas. At the end of each work day, the general contractor shall visually inspect and address any windblown debris with the construction fencing or outside the fencing occurring in the parking lot as a result of construction.
34. This Special Permit/Site Plan Review Approval does not include approval of any signage in relation to a fast food establishment. All signage shall adhere to the Hanover's Sign Bylaw.
35. The Applicant and/or future operator of the fast food establishment is responsible for the maintenance and general upkeep of the dumpster area and surrounding building grounds to be free of wind-blown debris and other litter. The dumpster location shall be screen with fencing and/or some form of enclosure as depicted on the approved plans. The site shall be maintained in a neat and orderly manner at all times.
36. The Applicant and/or Operator shall provide the Planning Department with an area adjacent designated for employee parking for the fast food establishment **prior to the issuance of a Certificate of Occupancy Permit.**

37. The Special Permit Granting Authority (SPGA) relied on information that did not include an identified operator of the proposed fast food establishment. A projected vehicle queue was provided on assumptions of time duration of each transaction to accommodate approximately ten (10) vehicles. If during operation, the vehicle queue of the drive-thru window should impair traffic circulation within the general area, the SPGA may request the applicant and fast food operator to re-appear before the SPGA to discuss and possibly mitigate such issues concerning traffic circulation. Written notice to the property owner and operator shall provide a date and time to appear at a Planning Board meeting.
38. Any future proposal for outdoor seating shall be considered a modification in accordance with condition #4 and shall be submitted to the Planning Department for review and determination as to what type of modification for the SPGA approval before outside seating becomes operational.
39. Should the proposed modifications require movement of any exterior light bollards or poles, replacement of these shall match the existing site lighting unless a total site replacement is proposed. If it is a total site light replacement, new lighting shall be equipped with timers shutting off all non-security lighting one hour after the close of business until the operation opens the following morning. Relocation of any lighting shall be shown on the As-Built plan to be submitted once the project is completed.

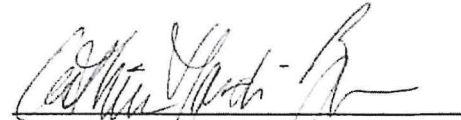
The Planning Board affirms that all provisions of Sections 9 & 11 of Chapter 40A of the Massachusetts General Laws and Articles 6, 7, 8, 9, 10 and 11 of the Hanover Zoning Bylaws were complied with as regards to procedures. This Special Permit/Site Plan Approval shall not be effective until the Planning Board receives evidence from the applicant of recording with the Plymouth County Registry of Deeds in accordance with M.G.L., Ch. 40A, §11.

HANOVER PLANNING BOARD


Maryann Brugnoli, Chair

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

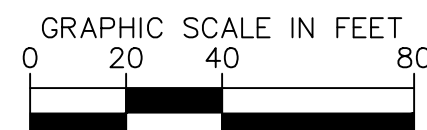
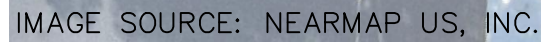
A TRUE COPY ATTEST

A handwritten signature in black ink, appearing to read "Catherine Harder-Bernier", is written over a horizontal line.

Catherine Harder-Bernier
Town Clerk

Date: 3/21/23

EXHIBIT 4



PARKING QUANTITY SUMMARY				
	USE	RATIO	TARGET BUILDING SIZE	PARKING QUANTITY
<u>REQUIRED</u>	COMMERCIAL	1 STALL / 200 SF	137,570 SF	688 STALLS
<u>PROVIDED</u>				597 STALLS *EXISTING PARKING WAIVER IN PLACE

CONSTRUCTION NOTES

- 2 RELOCATE EXISTING DRIVE UP BEACON AS SHOWN. REFER TO SHEET 00.5 FOR EXISTING LOCATION.
- 3 RESTRIPE STANDARD PARKING STALLS USING 4" WIDE WHITE STRIPING.
- 4 INSTALL CROSSWALK PER DETAILS SHEET.
- 5 INSTALL STOP BAR AND MARKING PER DETAILS SHEET.
- 6 INSTALL STOP SIGN PER DETAILS SHEET.
- 7 INSTALL CURB RAMP PER DETAILS SHEET.
- 8 INSTALL DRIVE UP STRIPING AND SIGNAGE PER DETAILS SHEET.
- 9 INSTALL DRIVE UP BEACON PER DETAIL SHEET.
- 10 INSTALL STANCHION SIGN AND BASE PER DETAILS SHEET.
- 16 PROTECT IN PLACE EXISTING LIGHT POLE. REFER TO ELECTRICAL PLANS FOR FURTHER DETAIL.
- 25 INSTALL WHEELSTOPS PER DETAILS SHEET.

GENERAL NOTES

1. THE LOCATION OF UTILITIES ARE BASED ON THE AVAILABILITY AND ACCURACY OF AVAILABLE RECORD DRAWINGS. A REASONABLE ATTEMPT HAS BEEN MADE TO SHOW THE LOCATIONS OF KNOWN UNDERGROUND OBSTRUCTIONS, AND UTILITIES. THE UTILITIES, AND FACILITIES ON THE PLANS SHOWN ARE NOT GUARANTEED TO BE THE SAME AS THE ACTUAL OR AS THE ONLY UNDERGROUND UTILITIES, OR OBSTACLES THAT MAY OCCUR ON THE SITE. THE OWNER AND ENGINEER BEAR NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR SHOWN IN AN INCORRECT LOCATION OR ELEVATION ON THE PLANS. CONTRACTOR TO CALL 811 PRIOR TO COMMENCING ANY CONSTRUCTION WORK. DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
2. UTILITIES INTERFERING WITH CONSTRUCTION SHALL BE RESET OR RELOCATED BY THE CONTRACTOR UNLESS NOTED OTHERWISE, AND ENGINEER SHALL BE NOTIFIED.
3. THE CONTRACTOR SHALL GIVE PROPER NOTICE TO ALL UTILITY COMPANIES AND FACILITY OWNERS REGARDING REMOVAL AND RELOCATION ACTIVITIES, AND WHEN WORKING IN THE VICINITY OF UTILITY LINES.
4. CONFLICTS WITH IRRIGATION INFRASTRUCTURE SHALL BE REROUTED AND APPROVED IMPROVEMENTS. IF AN AFFECTED IRRIGATION PATTERN IS NECESSARY, PROVIDE THE MOST DIRECT CONNECTION POSSIBLE TO ROUTE AROUND IMPROVEMENTS. ENSURE THAT ALL AREAS AFFECTED BY CONSTRUCTION RECEIVE UNINTERRUPTED IRRIGATION, AT THE EXISTING SCHEDULED RATES, UNTIL CONSTRUCTION IS COMPLETE. SPLICING OF ANY CONTROL WIRES THAT REQUIRE REROUTING SHALL BE AVOIDED WHENEVER POSSIBLE. IF SPLICING IS REQUIRED, USE THE DOMESTIC RATED, 1/2" WATER-PROOF WIRE CONNECTORS. NEW CONTROL WIRE SHALL BE RUN, AND EXTENDED AS NECESSARY, TO FOLLOW THE SAME PATH AS THE IRRIGATION WATER LINES. AFFECTED IRRIGATION AREAS MUST BE FUNCTIONING AS DESIGNED AFTER CONSTRUCTION IS COMPLETE.
5. IN ACCORDANCE WITH CONDITIONAL APPROVAL AND PRIOR TO THE START OF ANY MOBILIZATION, THE ENGINEER WILL MEET WITH THE SITE PLANNER WITH THE TOWN PLANNER WITH THE APPLICANT, DEVELOPER AND SITE WORK CONTRACTOR SHALL BE HELD TO REVIEW ALL CONDITIONS OF THE DECISION. THE SITE SHALL BE IN COMPLIANCE WITH THE AS-BUILT APPROVAL. FOR THE SPECIAL PERMIT PD#06-10SP. AT THIS MEETING, THE FOLLOWING MATERIALS SHALL BE PROVIDED TO THE TOWN PLANNER:
 1. NAME, ADDRESS AND A 2471 PHONE NUMBER OF GENERAL AND/OR SITE CONTACT
 2. ESTIMATED CONSTRUCTION SCHEDULE AND COMPLETION DEADLINE
 3. PROPOSED LOCATION OF CONSTRUCTION TRAILER, STOCKPILING AND CONSTRUCTION MATERIALS STORAGE AND SITE PLAN
 4. A DESIGNATED AREA LOCATED ON SITE PLAN FOR ALL CONSTRUCTION WORKERS, INCLUDING ALL GENERAL AND SUBCONTRACTORS, TO PARK ALONG THE PERIMETER OF THE TARGET PARKING LOT. WRITTEN NOTICE AS PART OF AN EMAIL LETTER TO THE TOWN WORK, THE APPLICANT DESIGNATED PARKING AREA SHALL BE PROVIDED PRIOR TO THE START OF ANY WORK.
6. A TRAFFIC CIRCULATION PLAN SHALL BE PROVIDED BY THE APPLICANT/CONTRACTOR PRIOR TO ANY WORK WITHIN OR ABOVE THE MAIN TRAVEL AND FIRE ACCESS LAKE ADJACENT TO AND IN FRONT OF THE TARGET BUILDING SHOWING ANY PORTION OF THIS ACCESS LAKE BE CLOSED AS PART OF THE PROJECT CONSTRUCTION WORK. THE APPLICANT/CONTRACTOR SHALL PROVIDE A COPY OF SUCH PLAN ALONG WITH THE ESTIMATED DURATION OF TIME THIS AREA WOULD BE CLOSED AND TRAFFIC RE-DIRECTED WITHIN THE TARGET SITE, TO BOTH THE FIRE AND POLICE DEPARTMENT.
7. DURING CONSTRUCTION, THE APPLICANT/ CONTRACTOR SHALL KEEP THE LAKE AND BEVERLY HILLS TRAIL OPEN AND ACCESSIBLE. THE TRAIL SHALL BE TRACKED ALONG THE MAIN ACCESS DRIVE. THE DESIGNATED TRUCK ROUTE SHALL BE BROOM SWEEP DAILY, ANY CATCH BASINS LOCATED DOWN GRADIENT OF THE CONSTRUCTION SITE OR ON THE PAVED SURFACE OF THE DESIGNATED TRUCK ROUTE SHALL HAVE CATCH BASIN INSERTS INSTALLED TO PREVENT THE TRUCKS FROM DISCHARGING DEBRIS INTO THE TRAIL. ENTERING INTO THE STORMWATER DISCHARGE OF THE EVENT OF ANY FORECASTED LONG DRAINAGE WEATHER EVENT, ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED FOR THE SITE AND AROUND STOCKPILE AREAS. AT THE END OF EACH WORK DAY, THE GENERAL CONTRACTOR SHALL VISUALLY INSPECT AND ADDRESS ANY WASHLOUDED DEBRIS WITHIN THE CONSTRUCTION FENCING OR CLOSURE TO PREVENT OCCURRING IN THE PARKING LOT AS A RESULT OF CONSTRUCTION.

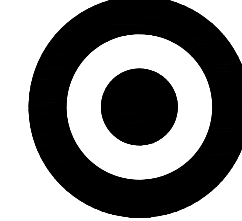


Kimley»Horn

© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
404 WYMAN STREET, SUITE 385
WALTHAM, MA 02451
781-328-0676
WWW.KIMLEY-HORN.COM

[illegible]

DATE: 01/15/2024



T-2532 HANOVER
1167 WASHINGTON ST.
HANOVER MA 02339

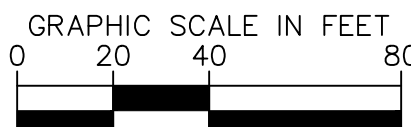
Project Number T-2532

Config:	
Drawn By	ID
Checked By	KR

IMPROVEMENT PLAN



OCTOBER 3, 2023



<u>PARKING QUANTITY SUMMARY</u>				
	<u>USE</u>	<u>RATIO</u>	<u>TARGET BUILDING SIZE</u>	<u>PARKING QUANTITY</u>
<u>REQUIRED</u>	COMMERCIAL	1 STALL / 200 SF	137,570 SF	688 STALLS
<u>PROVIDED</u>				597 STALLS *EXISTING PARKING WAIVER IN PLACE

CONSTRUCTION NOTES

- 2 RELOCATE EXISTING DRIVE UP BEACON AS SHOWN. REFER TO SHEET C0.5 FOR EXISTING LOCATION.
- 3 RESTRIPE STANDARD PARKING STALLS USING 4" WIDE WHITE STRIPING.
- 4 INSTALL CROSSWALK PER DETAILS SHEET.
- 5 INSTALL STOP BAR AND MARKING PER DETAILS SHEET.
- 6 INSTALL STOP SIGN PER DETAILS SHEET.
- 7 INSTALL CURB RAMP PER DETAILS SHEET.
- 8 INSTALL DRIVE UP STRIPING AND SIGNAGE PER DETAILS SHEET.
- 9 INSTALL DRIVE UP BEACON PER DETAIL SHEET.
- 10 INSTALL STANCHION SIGN AND BASE PER DETAILS SHEET.
- 16 PROTECT IN PLACE EXISTING LIGHT POLE. REFER TO ELECTRICAL PLANS FOR FURTHER DETAIL.
- 25 INSTALL WHEELSTOPS PER DETAILS SHEET.

GENERAL NOTES

[illegible]

DATE: 01/15/2024



Project Number

Config:	
Drawn By	ID
Checked By	KR

OCTOBER 3, 2023
AERIAL



CONSTRUCTION NOTES

- ## GENERAL NOTES

DATE: 01/15/2024

TARGET
T-2532 HANOVER
1167 WASHINGTON ST.
HANOVER, MA 02339

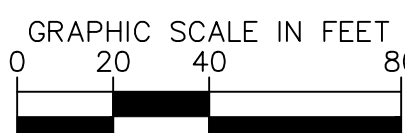
Project Number T-2532

Config:	
Drawn By	ID
Checked By	KR

JULY 11, 2023
AERIAL



APRIL 2, 2023



PARKING QUANTITY SUMMARY				
	USE	RATIO	TARGET BUILDING SIZE	PARKING QUANTITY
<u>REQUIRED</u>	COMMERCIAL	1 STALL / 200 SF	137,570 SF	688 STALLS
<u>PROVIDED</u>				597 STALLS *EXISTING PARKING WAIVER IN PLACE

CONSTRUCTION NOTES

- 2 RELOCATE EXISTING DRIVE UP BEACON AS SHOWN. REFER TO SHEET 00.5 FOR EXISTING LOCATION.
- 3 RESTRIPE STANDARD PARKING STALLS USING 4" WIDE WHITE STRIPING.
- 4 INSTALL CROSSWALK PER DETAILS SHEET.
- 5 INSTALL STOP BAR AND MARKING PER DETAILS SHEET.
- 6 INSTALL STOP SIGN PER DETAILS SHEET.
- 7 INSTALL CURB RAMP PER DETAILS SHEET.
- 8 INSTALL DRIVE UP STRIPING AND SIGNAGE PER DETAILS SHEET.
- 9 INSTALL DRIVE UP BEACON PER DETAIL SHEET.
- 10 INSTALL STANCHION SIGN AND BASE PER DETAILS SHEET.
- 16 PROTECT IN PLACE EXISTING LIGHT POLE. REFER TO ELECTRICAL PLANS FOR FURTHER DETAIL.
- 25 INSTALL WHEELSTOPS PER DETAILS SHEET.

GENERAL NOTES

[illegible]

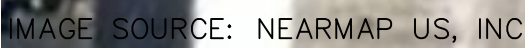
DATE: 01/15/2024



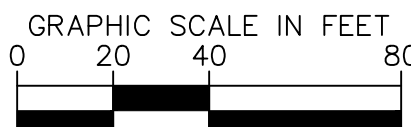
Project Number

Config:	
Drawn By	ID
Checked By	KR

APRIL 2, 2023
AERIAL



JULY 30, 2022



PARKING QUANTITY SUMMARY				
	USE	RATIO	TARGET BUILDING SIZE	PARKING QUANTITY
<u>REQUIRED</u>	COMMERCIAL	1 STALL / 200 SF	137,570 SF	688 STALLS
<u>PROVIDED</u>				597 STALLS *EXISTING PARKING WAIVER IN PLACE



Kimley»Horn

© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
404 WYMAN STREET, SUITE 385
WALTHAM, MA 02451
781-328-0676
WWW.KIMLEY-HORN.COM

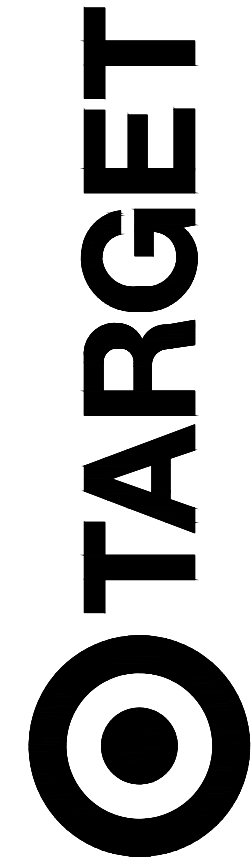
CONSTRUCTION NOTES

- 2 RELOCATE EXISTING DRIVE UP BEACON AS SHOWN. REFER TO SHEET C0.5 FOR EXISTING LOCATION.
- 3 RESTRIPE STANDARD PARKING STALLS USING 4" WIDE WHITE STRIPING.
- 4 INSTALL CROSSWALK PER DETAILS SHEET.
- 5 INSTALL STOP BAR AND MARKING PER DETAILS SHEET.
- 6 INSTALL STOP SIGN PER DETAILS SHEET.
- 7 INSTALL CURB RAMP PER DETAILS SHEET.
- 8 INSTALL DRIVE UP STRIPING AND SIGNAGE PER DETAILS SHEET.
- 9 INSTALL DRIVE UP BEACON PER DETAIL SHEET.
- 10 INSTALL STANCHION SIGN AND BASE PER DETAILS SHEET.
- 16 PROTECT IN PLACE EXISTING LIGHT POLE. REFER TO ELECTRICAL PLANS FOR FURTHER DETAIL.
- 25 INSTALL WHEELSTOPS PER DETAILS SHEET.

GENERAL NOTES

[illegible]

DATE: 01/15/2024



T-2532 HANOVER
1167 WASHINGTON ST.
HANOVER, MA 02339

Project Number T-2532

Config:	
Drawn By	ID
Checked By	KR

JULY 30, 2022
AERIAL



GRAPHIC SCALE IN FEET

A horizontal line with tick marks at 0, 20, 40, and 80. The segment between 0 and 20 is divided into four equal parts by three vertical lines. The segment between 20 and 40 is divided into two equal parts by one vertical line. The segment between 40 and 80 is divided into four equal parts by three vertical lines. The segments from 0 to 20 and 40 to 80 are white, while the segments from 20 to 40 and the four sub-segments between 0-20 and 40-80 are black.

TARGET.
1000 NICOLLET MALL
MINNEAPOLIS, MN 55403

KIMLEY-HORN AND ASSOCIATES, INC.
4 WYMAN STREET, SUITE 385
WALTHAM, MA 02451
781-328-0676
WWW.KIMLEY-HORN.COM

E: 01/15/2024

TARGET
T-2532 HANOVER
1167 WASHINGTON ST.
HANOVER, MA 02339

T-2532

ID
KR

APRIL 12, 2022
AERIAL

EXHIBIT 5

MAJOR MODIFICATION SPECIAL PERMIT/SPR APPROVAL
1167 Washington Street
Target Canopy TPL #22-4

11/07/22

TOWN OF HANOVER
2022 DEC -1 PM 1:04
TOWN CLERK



**PLANNING BOARD
TOWN OF HANOVER, MASSACHUSETTS**

**DENIAL OF MAJOR MODIFICATION OF
SPECIAL PERMIT/SITE PLAN REVIEW**

LOCUS: 1167 Washington Street (Map 24 Plot 16 CM)

ZONING: Commercial District and Water Resource Protection District

OWNER(S): Hanover Washington Condominium Trust
C/O Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403

APPLICANT(S): Same as Above

**SURVEYOR/
ENGINEER:** Kimley-Horn and Associates
404 Wyman Street – Suite 385
Waltham, MA 02451

SITE PLAN, DRAWINGS & REPORTS: (ALL INCORPORATED HEREIN BY REFERENCE)

"Target Drive-Up Expansion T-2532 Hanover, 1167 Washington Street, Hanover, MA 02339" no scale, dated 9/20/22 stamped by Tracy J. Letzring (RPE #48032) of Kimley-Horn, Waltham. MA - Sheet C0.0 (Cover Sheet)

*"Hanover Washington LP. Route 53, Hanover, MA – Overall Layout and Zoning Plan" Scale 1"=60', dated 8/31/07 last rev. 11/15/07 no stamp (Note right margin rev. 9/20/22 by K-M labeled for reference only – overall site plan) prepared by Kelly Engineering Group, Inc., Braintree, MA
Sheet C0.1 (Overall site plan)*

MAJOR MODIFICATION SPECIAL PERMIT/SPR APPROVAL
1167 Washington Street
Target Canopy TPL #22-4

11/07/22

"Hanover Washington LP. Route 53, Hanover, MA –As-Built Site Plan" Scale 1"=60', dated 11/07/07 stamped by Steven M. Horsfall (RPLS #41608) (Note right margin for reference only by K-M labeled -As-Built Site Plan) prepared by Kelly Engineering Group, Inc., Braintree, MA Sheet C0.2 (As-Built Site Plan)

"Boundary, Topographic & Utility Survey Kimley-Horn Associates, Inc. 1167 Washington Street, Lot 13 Map 24, Town of Hanover, Plymouth County in Commonwealth of Massachusetts" dated 8-12-2022 last rev. 9/20/22, Scale 1"= 80' stamped by Gerry L. Holdwright (RPLS #49211) of Control Point Associates, Inc., Southborough, MA 1 of 2 (Note right margin K-M labeled Partial Site Plan) Sheet C0.3 (Partial Site Plan)

"Boundary, Topographic & Utility Survey Kimley-Horn Associates, Inc. 1167 Washington Street, Lot 13 Map 24, Town of Hanover, Plymouth County in Commonwealth of Massachusetts" dated 8-12-2022 last rev. 9/20/22, Scale 1"= 80' stamped by Gerry L. Holdwright (RPLS #49211) of Control Point Associates, Inc., Southborough, MA 2 of 2 (Note right margin K-M labeled Zoomed in partial Plan Partial Site Plan) Sheet C0.4 (Zoomed in Partial Site Plan)

"Target Drive-Up Expansion T-2532 Hanover, 1167 Washington Street, Hanover, MA 02339" no scale, dated 9/20/22 stamped by Tracy J. Letzring (RPE #48032) of Kimley-Horn, Waltham. MA Sheet C0.5 (Demolition Plan)

"Target Drive-Up Expansion T-2532 Hanover, 1167 Washington Street, Hanover, MA 02339" no scale, dated 9/20/22 stamped by Tracy J. Letzring (RPE #48032) of Kimley-Horn, Waltham. MA - Sheet C1.0 (Improvement Plan)

"Target Drive-Up Expansion T-2532 Hanover, 1167 Washington Street, Hanover, MA 02339" no scale, dated 9/20/22 stamped by Tracy J. Letzring (RPE #48032) of Kimley-Horn, Waltham. MA - Sheet C1.1 (Drainage Plan)

"Target Drive-Up Expansion T-2532 Hanover, 1167 Washington Street, Hanover, MA 02339" no scale, dated 9/20/22 stamped by Tracy J. Letzring (RPE #48032) of Kimley-Horn, Waltham. MA - Sheet C2.0 (Details)

"Target Drive-Up Expansion T-2532 Hanover, 1167 Washington Street, Hanover, MA 02339" no scale, dated 9/20/22 stamped by Tracy J. Letzring (RPE #48032) of Kimley-Horn, Waltham. MA - Sheet C2.1 (Details)

ARCHITECTURAL:

"Target Hanover Drive lane, Hanover, MA Project # 92532 Drive lane Structure 56'x 44' Nova" no scale, dated 4/25/22 revised 10/4/22, stamped by Thomas R. Sadler (Structural RPE #39620) of VPS, Texas - Sheet 1000 (Notes/List of Materials (LOM))

MAJOR MODIFICATION SPECIAL PERMIT/SPR APPROVAL
1167 Washington Street
Target Canopy TPL #22-4

11/07/22

"Target Hanover Drive lane, Hanover, MA Project # 92532 Drive lane Structure 56'x 44' Nova" no scale, dated 4/25/22 revised 10/4/22 stamped by Thomas R. Sadler (Structural RPE #39620) of VPS, Texas – Sheet 2000 (Views and Details)

"Target Hanover Drive lane, Hanover, MA Project # 92532 Drive lane Structure 56'x 44' Nova" no scale, dated 4/25/22 revised 10/4/22, stamped by Thomas R. Sadler (Structural RPE #39620) of VPS, Texas – Sheet 2001(Views and Details)

"Target Hanover Drive lane, Hanover, MA Project # 92532 Drive lane Structure 56'x 44' Nova" no scale, dated 4/25/22 revised 10/4/22, stamped by Thomas R. Sadler (Structural RPE #39620) of VPS, Texas – Sheet 3000 (Foundation Layout)

"Target Hanover Drive lane, Hanover, MA Project # 92532 Drive lane Structure 56'x 44' Nova" no scale, dated 4/25/22 revised 10/4/22, stamped by Thomas R. Sadler (Structural RPE #39620) of VPS, Texas – Sheet 3001 (Pier Footings Details)

"Target Hanover Drive lane, Hanover, MA Project # 92532 Drive lane Structure 56'x 44' Nova" no scale, dated 4/25/22 revised 10/4/22, stamped by Thomas R. Sadler (Structural RPE #39620) of VPS, Texas – Sheet 3002 (Spread Footing Details)

"Target Hanover Gable 24 , Hanover, MA Project # 92532 Gable 24 Nova-24 stall" no scale, dated 4/25/22 revised 10/4/22, stamped by Thomas R. Sadler (Structural RPE #39620) of VPS, Texas – Sheet 1000 (Notes/List of Materials (LOM))

"Target Hanover Gable 24 , Hanover, MA Project # 92532 Gable 24 Nova-24 stall" no scale, dated 4/25/22 revised 10/4/22, stamped by Thomas R. Sadler (Structural RPE #39620) of VPS, Texas – Sheet 2000 (Views and Details)

"Target Hanover Gable 24 , Hanover, MA Project # 92532 Gable 24 Nova-24 stall" no scale, dated 4/25/22 revised 10/4/22, stamped by Thomas R. Sadler (Structural RPE #39620) of VPS, Texas – Sheet 2001(Views and Details)

"Target Hanover Gable 24 , Hanover, MA Project # 92532 Gable 24 Nova-24 stall" no scale, dated 4/25/22 revised 10/4/22, stamped by Thomas R. Sadler (Structural RPE #39620) of VPS, Texas – Sheet 3000 (Foundation Layout)

"Target Hanover Gable 24 , Hanover, MA Project # 92532 Gable 24 Nova-24 stall" no scale, dated 4/25/22 revised 10/4/22, stamped by Thomas R. Sadler (Structural RPE #39620) of VPS, Texas – Sheet 3001 (Pier Footings Details)

"Target Hanover Gable 24 , Hanover, MA Project # 92532 Gable 24 Nova-24 stall" no scale, dated 4/25/22 revised 10/4/22, stamped by Thomas R. Sadler (Structural RPE #39620) of VPS, Texas – Sheet 3002 (Spread Footing Details)

Structural Calculations:

VPS "Structural Calculations Project: Target – Hanover 44'x 64'x 16' Drive Lane Nova Unit" dated 4/6/22 stamped by Thomas Sadler (Registered Professional Structural Engineer)

VPS "Structural Calculations Project: Target – Hanover 44'x 64'x 16' Gable 24 Nova 12 Stall Unit" dated 4/6/22 stamped by Thomas Sadler (Registered Professional Structural Engineer)

**REQUESTED MAJOR MODIFICATION OF
SPECIAL PERMIT AND SITE PLAN APPROVAL APPLICATION**

Notice is hereby given in accordance with Massachusetts General Laws (MGL), Chapter 40A Section 9 and 11 (the Zoning Act) and the Hanover Zoning Bylaws Sections 6, 8, 9, 10 and 11 in their entirety; that the Town of Hanover Planning Board will hold a public hearing on Monday, June 13, 2022 at 7:00 p.m. at Hanover Town Hall and also via Zoom video call for the purpose of hearing the application of Target Corporation, 50 South 10th Street, Suite 400, Minneapolis, MN 55403. The applicant is requesting a major modification of an approved Special Permit and Site Plan Review (PB File #08-10SP) to reconfigure approved parking fields to accommodate the installation of overhead canopies as part of Target's Drive-up program for customers. One proposed canopy will be 44' x 144' (6,336 SF) at a height of 13' feet 4" inches at the lowest point over existing customer parking. The second canopy will be 44' x 56' (2,464 SF) at a height of 18' feet 0 inches $\frac{3}{4}$ " at the lowest point over the existing travel lane in front of Target. The site is located at: 1167 Washington Street, Hanover and is further identified as Map 24 Lot 13 consisting of 37.7 acres of Lot area located in the Commercial District and Water Resource Protection District. The original public hearing (June 13, 2022) was duly advertised and mutually continued to July 25, 2022, August 15, 2022, August 29, 2022, September 26, 2022, October 17, 2022 and November 7, 2022.

FINDINGS

The request before the Planning Board, acting as the Special Permit Granting Authority (SPGA), was an amendment to a previously approved Special Permit – 3/31/2008 under condition #4 that sought to modify the decision and site plan with the construction of two canopies; first one to be 44' x 144' (6,336 SF) at a height of 13' feet 4" inches at the lowest point over existing customer parking and the second to be 44' x 56' (2,464 SF) at a height of 18' feet 0 inches $\frac{3}{4}$ " at the lowest point over the existing travel lane in front of Target

- The SPGA found that the original decision 3/31/2008 - condition #23 required the applicants to submit for As-Built Approval to the Planning Board had never occurred for

the prior approval. The original approval as part of a larger site development could not attest to the accuracy of the zoning table submitted on the existing site conditions. (ZBL section 5.890 A-C)

- The SPGA acknowledged that the form of ownership is presently a commercial condominium and with the change in ownership the SPGA asked exactly how many parking spaces were identified in the condominium documents for exclusive use by Target. The applicants were unable to provide detailed information on the exact number.
- The SPGA questioned how the existing "Drive-Up Program" on the site was implemented without SPGA Approval and the designation of approximately twenty-eight (28) parking spaces out of the general retail use solely to the customers that participated in the "Drive-Up" program without an approved modification by the SPGA to the original permit. (ZBL section 5.890 A-C) & (ZBL section 10.100-O)
- The SPGA found the proposed canopies would displace or eliminate approximately twenty-four (24) existing spaces for general retail customers, with no confirmed number of the existing general retail spaces dedicated to the Target operation. It was unclear to the SPGA if sufficient parking was available to support the overall retail use. The current application before the SPGA only proposed movement of the open air "Drive-up" spaces beneath the canopy – no request for approval of the program was requested. During the public hearing of 11/7/22 the SPGA questioned if the spaces could be utilized by any customer or general public and although not directly stated by the applicant as to a prohibition, it was clear they were to be used only by customers utilizing the "Drive-Up" program per the extensive signage beneath the canopy. (ZBL section 5.890 A-C) & (ZBL Section 10.210-D)
- The SPGA raised concerns with the aesthetics and durability of the material proposed for the canopy roofing given weather in the Northeast. Information submitted by the applicant indicated this material is typically used in the South in warmer climates – no local Target stores in Massachusetts were able to be given as examples of having constructed canopies with this material. The SPGA asked about what contingency plans were proposed should the canopy material become damaged by weather. The applicant had no contingency plan which is a concern the SPGA had for the aesthetics of the site. (ZBL section 5.890 A-C) & (ZBL Section 6.220) & (ZBL Section 10.150 E-3) & (ZBL section 10.210-A)
- The SPGA had expressed concerns with potential icing and snow conditions beneath the canopy.

Concrete column supports, signage and wheel stops serve as obstacles for plowing beneath the canopy during and after storm events. Given the slope of the property, both adjacent and beneath the canopies, the SPGA became concerned with the response of Target Representatives as to their intended and current use of deicing products due to the site's location in the Aquifer Overlay Protection District and the original condition #27 of the 2008 permit prohibited use of deicing chemicals. The SPGA was not satisfied with minimalist approach to conditions on the ground for vehicles, employees and pedestrian's safety during inclement weather events.

- The SPGA noted under normal weather condition Target's parking lot and the surrounding landscaped and buffered areas are not well maintained as required in the original 2008 Special Permit. Parking spaces were displaced with large storage containers blocking their use and the existing landscaping/buffers were subject to litter and other illegally dumped materials with no addressing after complaints from the Town to Target and the lack of concern by Target of the un-kept condition of the Target property. The SPGA was not assured of the verbal commitments being made by the applicants would improve if approved for the canopies since the issue was raised in the opening of the public hearing not being compliant with original condition #30 of the 2008 Special Permit. (ZBL section 5.890 A-C) & (ZBL Section 6.420 F, G and H)

On November 9, 2022, Member Fornaro made a **MOTION** to recommend **DENIAL** based on the above findings, seconded by Member Campbell and with a member roll call vote called by the Chairman, the **MOTION PASSED** and the project was denied.

VOTE: (Y) MaryAnn Brugnoli (A) Kenneth Blanchard (Y) Meaghan Neville-Dunne
(Y) Giuseppe Fornaro (Y) Bernie Campbell (N) Anthony Cavallaro (Y) David Traggorth

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

HANOVER PLANNING BOARD


MaryAnn Brugnoli, Chair