

SITE PLAN/SPECIAL PERMIT APPROVAL  
"STARBUCKS" - 1972-1978 WASHINGTON STREET  
PB07-13SP

DATE: MAR. 26, 2007

TOWN OF HANOVER

2007 APR 26 A 10:23

TOWN CLERK



**PLANNING BOARD  
TOWN OF HANOVER  
MASSACHUSETTS**

**APPROVAL OF SPECIAL PERMITS & SITE PLAN**

**LOCUS:** 1972-1978 Washington Street, Hanover, MA 02339, shown as Lots 057 and 025 on Assessor's Map 05.

**ZONING DISTRICT:** Commercial District

**OWNERS:** Eugene Crowley, 1972 Washington Street LLC, 1972 & 1978 Washington Street, Hanover, MA 02339

**APPLICANT:** Same as Owner

**ENGINEER:** Merrill Associates, Inc., 427 Columbia Road, Hanover, MA 02339

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

- A 15-sheet Site Plan entitled "Site Plan - 1972-1978 Washington Street - Assessors Map 5, Lots 25 and 57 - Hanover, Massachusetts," prepared by Merrill Associates, Inc., 427 Columbia Road, Hanover, MA 02339, with individual sheets dated as follows:

Sheet	Plan Date	Most Recent Revised Date
1: Cover Sheet	11/16/06	3/5/07
2: Existing Conditions Plan	11/16/06	3/5/07
3: Erosion Control Plan	11/16/06	3/5/07
4: Layout / Zoning	11/16/06	3/5/07
5: Grading Drainage and Utility Plan	11/16/06	3/5/07
6: Landscape Plan	11/16/06	3/5/07
7: Landscaping Details	11/16/06	3/5/07
8: Lighting Plan	11/16/06	3/5/07
9: Septic Layout Plan	11/16/06	3/5/07
10: Septic Details - Building 1-East	11/16/06	3/5/07
11: Septic Details - Building 2-West	11/16/06	3/5/07
12: Details	11/16/06	3/5/07
13: Details	11/16/06	3/5/07
14: Details	11/16/06	3/5/07
15: Construction Notes	11/16/06	3/5/07

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- "Stormwater Management Report and Hydrologic Analysis - Site Plan - 1972/1978 Washington Street, Hanover, Massachusetts," prepared by Merrill Associates, Inc., 427 Columbia Road, Hanover, MA 02339, dated November 21, 2006, and revised to February 15, 2007 (including a proposed/required Stormwater Operation & Maintenance Plan contained in Appendix E of said report).
- A "Technical Memorandum" entitled "Traffic Impact Assessment - Starbucks/Commercial Development - Washington Street, Hanover, Massachusetts," prepared by Abend Associates, and dated November 15<sup>th</sup>, 2006.
- A "Technical Memorandum" entitled "Revised Level of Service Calculations - Starbucks/Commercial Development - Washington Street, Hanover, Massachusetts," prepared by Abend Associates, and dated January 31<sup>st</sup>, 2007.

**ACTION ON APPLICATION FOR SITE PLAN REVIEW: APPROVED**

**VOTE:** (Y) MAB (N) GH (Y) PM (Y) SR (Y) RD (Y) BC (Y) AL

**ACTION ON GRANT OF ALL SPECIAL PERMITS: APPROVED**

**VOTE:** (Y) MAB (N) GH (Y) PM (Y) SR (Y) RD (Y) BC (Y) AL

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

**SITE PLAN APPROVAL AND SPECIAL PERMIT APPLICATION**

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 4.330 ( Non-Conforming Lots), 4.350 (Uses on Pre-Existing, Non-Conforming Lots), 6.220.B (Uses Permitted by Special Permit in the Commercial District), and 10.000 (Site Plan Approval) that the Planning Board held a Public Hearing on Monday, January 22, 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 Eugene Crowley, 1972 Washington Street LLC, 1972 & 1978 Washington Street, Hanover, MA 02339.

The applicants are proposing to demolish the existing structures and construct two new buildings for commercial use. It is proposed that one building will be developed as a 1665 square foot stand alone restaurant with 27 seat capacity and drive thru and the other building be developed as a 3400 square foot building with two separate uses; a 1600 square foot restaurant with a 24 seat capacity and 1800 square feet for retail use. The applicant also proposes to redesign associated site amenities, such as parking, landscaping, and drainage. The site is located at 1972 and 1978 Washington Street and is further identified as Lots 057 and 025 on Assessor's Map 05. The site lies within the Commercial District. Several Variances have been granted by the Board of Appeals for this project as required in accordance with the Hanover Zoning Bylaw.

The Public Hearing and continuances thereof were held pursuant to notice published in the Patriot Ledger and mailed to parties in interest.

### FINDINGS

After thorough analysis and deliberation, the Planning Board finds that the applicants have complied with all pertinent provisions of the Zoning By-Law for the Town, and has made determinations consistent with Sections 4.340, 4.350.

### DECISION

Now, therefore, by unanimous vote, the Planning Board hereby approves the subject application for Site Plan Approval in accordance with the provisions of the Hanover Zoning By-law and grants Special Permits pursuant to Sections 6.220.B. and N. (Uses Permitted by Special Permit in the Commercial District), 4.340 (Change of Structure on a pre-existing, non-conforming lot), 4.350 (Change of Use on a pre-existing, non-conforming lot, 7.640 (Canopy within the minimum required setback), 7.660 (Change in Final Grade or Elevation), 9.300 (Reduction in Parking Requirements) and 10.000 (Site Plan Approval) with authorization for the subject construction and use in accordance with the above referenced and approved plans, subject to the below listed Special and General Conditions.

### SPECIAL CONDITIONS

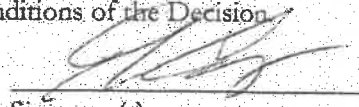
1. The applicant shall provide documentation of an approved septic system design to the Town Planner and Building Commissioner prior to any construction on site. The applicant shall provide documentation of approved septic system construction to the Building Commissioner from the Hanover Board of Health prior to requesting a Certificate of Occupancy.
2. The applicant shall provide Architectural plans (exterior elevations) and material specifications to the Town Planner and Design Review Board prior to requesting a Building Permit from the Building Commissioner.
3. The applicant shall adhere at all times to the above referenced documents including the "Stormwater Operation & Maintenance Plan."
4. The proposed dumpster enclosure shall be a wood stockade (or similar enclosure approved by the Town Planner) of sufficient height in order to shield any dumpster placed inside from public view.
5. The applicant shall submit an Approval Not Required (ANR) plan to the Planning Board in accordance with the Hanover Zoning Bylaw, the Planning Board's Rules and Regulations, the above referenced plans, and the variance issued by the Zoning Board of Appeals for this project and site. Said ANR plan (to combine the two preexisting nonconforming lots) shall be endorsed and recorded prior to any construction on site.
6. All light fixtures shall be cut-off or shoe-box style to prevent glare to adjacent properties and uses.
7. The applicant shall provide separate fire sprinkler and domestic water service to the buildings with separate shut-off valves to the satisfaction of the Department of Public Works and Water Department. The proposed water service and fire sprinkler lines must be installed in accordance with the Town of Hanover DPW Water Division's Rules and Regulations.

8. The applicant shall ensure that construction adjacent to and within Washington Street (Route 53) does not conflict with any work or designs undertaken by MassHighway at this location.
9. The applicant shall provide a gate valve on the existing 8-inch water main after the new water tie-ins.
10. The applicant shall provide a digital (AutoCAD format) copy of the approved plan set to the Town Planner prior to any construction on site.

#### 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) Eugene Crowley as representatives of/for Eugene Crowley, 1972 Washington Street LLC, on this date, 5/24/07 do hereby certify that I (We) have completely read and do fully understand all Special and General Conditions of Planning Board Decision, PB07-13SP, dated March 26<sup>th</sup>, 2007, relative to the proposed "Starbucks" development located at 1972-1978 Washington Street, Hanover, MA 02339. In particular, I (We) have completely read and do fully understand the Procedure for Final Site Plan Completion, Town Planner/Planning Board Sign-Off, and Issuance of Occupancy Permit as described on the final pages of the Decision. Furthermore, it is my (our) intention to comply fully, to the best of my (our) ability, with all aspects of the approved Site Plan and with all Special and General Conditions of the Decision.

  
Signature(s)

3. **RECORDING AT REGISTRY OF DEEDS:** Within 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. **NO DEVIATION FROM APPROVED PLAN:** There shall be no deviation from the approved Site Plan and Conditions of this Decision without prior written approval of the Planning Board. In the event that the applicant anticipates that some deviation is either necessary or desirable, he (she) shall notify the Planning Board in writing requesting modification of the Plan or the Conditions. If the Planning Board determines that the requested modification is minor in nature, the Board may grant such request. If the Board determines that the modification is not minor in nature, no such request may be granted until after a subsequent Public Hearing conducted for the purpose of fully discussing such modification. In any event, no such modification shall be undertaken until such time as the Board has approved the request in writing. Any modification or deviation shall be fully processed in accordance with this General Condition prior to the applicant initiating a request for Final or Conditional Site Plan Sign-Off. In the event that the applicant



intends to seek a Conditional Site Plan Sign-Off, any paving or landscaping relief shall be completely processed in accordance with this General Condition prior to the applicant initiating a request for Conditional Site Plan Sign-Off.

5. **ZONING BY-LAW COMPLIANCE:** No aspect of this Site Plan Approval/Special Permit decision or of any Condition of Approval shall be construed in such a manner so as to alleviate an owner, applicant, assign, or successor from full compliance with all pertinent provisions and requirements of the Zoning By-Law for the Town. Unless otherwise called for in this decision, requirements shall be as specified under the Hanover Zoning Bylaw.
6. **CONDITIONS FOR DEVELOPMENT:** During the course of all development activities and throughout the period when uses and activities authorized by this Site Plan/Special Permit decision are conducted, the applicant, owner, agents, assigns and successors shall comply with all provisions of Section 6.420 of the Zoning By-Law for the Town relative to odor, dust, smoke, noise, heat, vibration, etc.
7. **PRE-CONSTRUCTION MEETING:** At least four weeks prior to initiating any construction activities, the applicant(s) shall notify the Town Planner and Planning Board by certified mail of their intentions. An on-site pre-construction meeting shall be conducted with the applicant's engineer, the on-site construction supervisor and representatives of the Planning Board, Board of Health, Building Inspector, Conservation Commission, Department of Public Works and Fire Department.
8. **LANDSCAPING GENERAL:** Prior to the issuance of a Certificate of Occupancy for the subject expansion, all parking areas and landscaping shown on the Plan referenced above shall be completed.
9. **LANDSCAPE MAINTENANCE:** In accordance with Section 8.320 of the Zoning By-Law, it shall be the responsibility of the owner(s) of the site to ensure that all vegetation and landscaping is maintained in a healthy condition and that any dead or dying materials be replaced at the earliest appropriate season. Any violation of this General Condition shall be considered a violation of this Site Plan Approval and of the Zoning By-Law for the Town and may be treated accordingly.
10. **CURBING REQUIREMENTS:** Whenever 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 Site Plan. We specifically call your attention to the possibility of need for permits from the Board of Health, the Board of Public Works, the Board of Selectmen and the Conservation Commission. Additionally, regulatory agencies of the Commonwealth may have jurisdiction over this project.
12. **PLAN MODIFICATION BY OTHERS:** Should a permit from any other entity include provisions which require a revision of the Plan, such revision shall be submitted to and approved by the Planning Board prior to the start of any construction activities in accordance with General Condition 4, above.
13. **OFF-SITE WORK:** All work done off-site shall be to the satisfaction of the appropriate owner or public body having jurisdiction. In the case of Town roads, public ways, Town lands and Town easements, the

work shall conform to the requirements of the Hanover Board of Public Works and to the satisfaction of the Planning Board.

15. **SITE CLEARING:** No trees larger than 3" caliper may be removed without the prior and specific approval of the Planning Board.
16. **TIME LIMIT APPROVAL:** If substantial use of the site under this permit or construction of this project does not begin within one year of the date of filing of this decision with the Town Clerk, then the granting of these Site Plan/Special Permits shall become null and void. The applicant shall notify the Planning Board by certified mail at least four weeks prior to commencing any work on the site. The Planning Board will thereupon schedule an on-site construction meeting. In attendance at said meeting shall be the applicant's engineer, construction supervisor and representatives of town agencies as specified in Section 10.300 of the Zoning By-Law. Furthermore, all work must be completed within two years of the on-site construction meeting. A new application and approval shall be necessary to proceed with such construction if no extension is granted by the Planning Board.
17. **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).
18. **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.
19. **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.
20. **NO BUILDING PERMIT AND/OR OCCUPANCY PERMIT** shall be issued for construction/occupancy until all debts to the Town have been satisfied.
21. **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 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

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prepaid contacts, that the otherwise undone and undoable work will be completed, at the earliest possible date. If this procedure is deemed necessary and unavoidable, the Town Planner and Planning Board will recommend to the Building Inspector that any Temporary Certificate of Occupancy he may issue be limited to a minimal period of time (in no case should this exceed 200 days) and tied to the completion of the Site Plan.

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.

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

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**

  
Chairperson

~~Peter Moll~~ **RICHARD DELUCA**

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

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.  
Hanover Police Dept.

TOWN CLERK      DATE **05-24-2007**

