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TOWN OF HANOVER
2021 MAY 12 PM 3:05
TOWN CLERK

**PLANNING BOARD
TOWN OF HANOVER
MASSACHUSETTS**

APPROVAL OF DEFINITIVE SUBDIVISION PLAN

LOCUS: Roadway entrance at #32 Oakland Ave with area shown as Assessor's Map 57, Lot 31, Map 49 Lot 1 and Lot 2 – Subdivision comprised of three existing lots for a combined total of 18.42 acres.

ZONING DISTRICTS: Residence A

APPLICANT: 32 Oakland Avenue LLC, 30 Wade Way, Hanover, MA 02339

OWNER: Map 57 Lot 31 = Anthony McSharry, 6R Leah Drive, Rockland, MA 02370
Map 49 Lot 1 = Cardinal Cushing School/Training Center, 405 Washington St., Hanover, MA 02339
Map 49 Lot 2 = Ursula B. Stone, Trustee, Stone II Realty Trust, 58 Oakland Ave, Hanover, MA 02339

PREPARED BY: McKenzie Engineering Group, Inc. Consulting Engineers,
150 Longwater Dr., Norwell, MA 02061

STAMPED BY: Richard R. Hood (RPLS #350031) and Bradley C. McKenzie (RPE #36917)

DRAWINGS: *(all incorporated herein by reference)*

- A Twenty (21) sheet Definitive Subdivision Plan:
 - "Entitled" Oakland Estates (Assessors Map 49 Portions of Lots 1&2, Map 57 Lot 31) Definitive Subdivision Plan in Hanover Massachusetts*** dated December 14, 2020 last revision dated 4/26/21, prepared by MCKenzie Engineering Group, Inc., comprise of :
 - **Sheet 1:** Cover Sheet dated 12/14/20 scale as noted stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
 - **Sheet 2:** General Notes, Legend, Symbols & Abbreviations dated 12/14/20 scale as noted stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
 - **Sheet 3:** Existing Conditions Plan dated 12/14/20 scale 1" - 40' stamped by Richard J. Hood (RPLS) last revision 4/26/21
 - **Sheet 4:** Existing Conditions Plan dated 12/14/20 scale 1" - 40' stamped by Richard J. Hood (RPLS) last revision 4/26/21

Continue Drawings:

- **Sheet 5:** Existing Conditions Plan dated 12/14/20 scale 1" - 40' stamped by Richard J. Hood (RPLS) last revision 4/26/21
- **Sheet 6:** Lot Layout Plan dated 12/14/20 scale 1" - 40' stamped by Richard J. Hood (RPLS) last revision 4/26/21
- **Sheet 7:** Lot Layout Plan dated 12/14/20 scale 1" - 40' stamped by Richard J. Hood (RPLS) last revision 4/26/21
- **Sheet 8:** Lot Layout Plan dated 12/14/20 scale 1" - 40' stamped by Richard J. Hood (RPLS) last revision 4/26/21
- **Sheet 9:** Grading & Utility Plan dated 12/14/20 scale 1" - 40' stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
- **Sheet 10:** Grading & Utility Plan dated 12/14/20 scale 1" - 40' stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
- **Sheet 11:** Grading & Utility Plan dated 12/14/20 scale 1" - 40' stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
- **Sheet 12:** Roadway Plan & Profile dated 12/14/20 scale 1" - 40' stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
- **Sheet 13:** Construction Details dated 12/14/20 scale 1" - 40' stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
- **Sheet 14:** Construction Details dated 12/14/20 scale 1" - 40' stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
- **Sheet 15:** Construction Details dated 12/14/20 scale 1" - 40' stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
- **Sheet 16:** Construction Details dated 12/14/20 scale 1" - 40' stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
- **Sheet 17:** Construction Details dated 12/14/20 scale 1" - 40' stamped by Bradley C. McKenzie (RPE) last revision 7/26/21
- **Sheet 18:** Erosion Control Details dated 12/14/20 scale as noted stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
- **Sheet 19:** Landscaping Plan dated 12/14/20 scale as noted stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
- **Sheet 20:** Site Erosion & Sedimentation Plan scale 1" - 60' stamped by Bradley C. McKenzie (RPE) last revision 4/26/21
- **Sheet 21:** Landscaping Screening Plan scale 1" - 20' no stamp dated 4/2/21 last revision 4/26/21

REPORTS: *(all incorporated herein by reference)*

"Drainage Calculations and Storm Water Management Report for Oakland Estates Proposed Subdivision dated December 14, 2020 and revised March 11, 2021 prepared by McKenzie Group and stamped by Bradley C. McKenzie (RPE #36917).

BACKGROUND

In accordance with the provisions of M.G.L., Chap. 41, Sec. 81R, T & U and the Town of Hanover Planning Board Rules and Regulations for the Subdivision of Land, the Planning Board held the initial Public Hearing on Monday, February 22, 2021 at 7:00 p.m. via Zoom video call pursuant to the Governor's Order of March 14, 2020 regarding public meetings. The Planning Board was presented with an initial presentation by the applicants engineer about the project. The proposed subdivision know as Oakland Estates is proposed on 18.42 acres a combination of the property at #32 Oakland Ave, a portion of the property at #58 Oakland Avenue and a portion of property from #405 Washington Street all zoned Residence A. The proposed roadway will obtain access from Oakland Avenue at the lot frontage of #32 Oakland Avenue for a proposed linear length of approximately 840' feet. The proposed roadway will service nine residential house lots with Lot 4 serving the dual purpose of a drainage basin located on it as well as a residence. The subdivision area has wetlands throughout it and was subject to Conservation Commission review and approval of a Notice of Intent for work within the 100' buffer of the resource areas. The proposal came before the Planning Board during the following meeting dates: 2/22/21, 3/22/21, 4/12/21 and 4/26/21. On March 22, 2021, the Planning Board voted approval of three waivers from their Rules and Regulations for the Subdivision of Land – the three waivers and vote can be seen further down in this decision.

VOTE ON DEFINITIVE SUBDIVISION: April 26, 2021 *(subject to the general and special conditions contained herein)*

Giuseppe Fornaro **MOTION to vote** approval of the Oakland Estates Definitive Subdivision subject to the conditions dated 4/26/21, second by Kenneth Blanchard

VOTE: (Y) Mary Ann Brugnoli (Y) Kenneth Blanchard (Y) Meaghan Neville Dunne (Y) Giuseppe Fornaro (Y) Anthony Cavallaro (Abstain) Bernie Campbell ; Recuse/No Participation: David Traggorth

PLANNING BOARD VOTES ON WAIVER REQUESTS :

Pursuant to Section VI.A of Hanover's Rules and Regulations Governing the Subdivision of Land in Hanover, Massachusetts the Planning Board has voted to grant the following waivers (as indicated) from said Regulations in accordance with the above referenced and approved plans:

WAIVER: Section IV.A.1.b (Streets, Location) – APPROVED (Voted 3/22/21)

"Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoin property which is not yet subdivided."

VOTE: (Y) Maryann Brugnoli (Y) Kenneth Blanchard (Y) Meaghan Neville-Dunne (Y) Bernie Campbell (Y) Giuseppe Fornaro (Y) Anthony Cavallaro
Recuse/No Participation: David Traggorth

WAIVER: Section V.C.1. (Sidewalks) – APPROVED (Vote 3/22/21)

"Paved Sidewalks shall be constructed along the full length of both sides of every subdivision way" – Applicant allowed to construct one sidewalk on westerly side of roadway

VOTE: (Y) Maryann Brugnoli (Y) Kenneth Blanchard (Y) Meaghan Neville-Dunne (Y) Bernie Campbell (Y) Giuseppe Fornaro (Y) Anthony Cavallaro
Recuse/No Participation: David Traggorth

WAIVER: Appendix D Typical Roadway - APPROVED (Vote 3/22/21)

"Diagram of typical 50' layout" modified to show a proposed retaining wall within the layout running from Station 1+00 to 1+70 as shown on approved plans.

VOTE: (N) Maryann Brugnoli (Y) Kenneth Blanchard (N) Meaghan Neville-Dunne (Y) Bernie Campbell
(Y) Giuseppe Fornaro (Y) Anthony Cavallaro
Recuse/No Participation: David Traggorth

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/property owners shall submit to the Planning Board a certification indicating, in effect, the following:

"I (We), Anthony Meschery, 58 Oakland Ave, CARDINAL CUSKIN CENTERS, INC
Ursula B. Stone, MICHELLE MARKOWITZ on this date,
_____, do hereby certify that I (We) have completely read and do fully understand
all General and Special Conditions of Planning Board Definitive Decision, TPL-20-18,
relative to the Oakland Estates Definitive Subdivision. Furthermore, it is my (our)
intention to comply fully, to the best of my (our) ability, with all aspects of the Definitive
Subdivision Plan and with all General and Special Conditions of the Decision.
Anthony Meschery Ursula B. Stone MICHELLE MARKOWITZ Signature(s)

3. **RECORDING AT REGISTRY OF DEEDS:** Within six (6) month 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:** No material deviation, from the approved Definitive Subdivision 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 Definitive Plan Sign-Off
5. The applicant shall meet all the requirements as established by the Hanover Board of Health's regulations pertaining to the preparation and installation of sewage systems", and "lots will be

approved on a lot by lot basis only, provided that the applicant can meet with all the Board's regulations." The applicant shall comply with the Rules and Regulations set forth by the Hanover Board of Health before commencing any work under its jurisdiction.

6. The applicant shall comply in every particular section of the Town of Hanover Planning Board "Rules and Regulations Governing the Subdivision of Land" in effect on this date. Waivers have been granted as noted above all other provision of the Rules and Regulations apply.
7. The applicant shall comply with the Hanover Conservation Commission's Order of Conditions Mass DEP #SE31-1227 and Hanover File# BL21-122.
8. The applicant shall comply with the rules and regulations of the Hanover Department of Public Works in effect when the plan was submitted and, to the extent practicable, with any future changes in these rules and regulations until the subdivision is completed. Since the DPW, has been given supervisory authority by the Planning Board over water, roadway and drainage installation and construction, the applicant shall comply with all reasonable requests by them as to the scheduling of inspections prior to covering any work.
9. Before any lots are released for building purposes, the necessary drainage (including retention or detention basins) shall be installed, water mains and water services to lot lines shall be installed, rough and finished grading of the road shall be at proper grades and the first or base course of bituminous concrete shall be installed, all to the satisfaction of the Planning Board and to its delegated inspection agent, the Hanover Department of Public Works and/or to the satisfaction of the Conservation Commission in matters under its jurisdiction.
10. Lots shall be released upon deposit of a cash security against the completion of the subdivision as shown on the Approved/Endorsed Definitive plan.
11. Work which is not completed in strict conformance with the definitive subdivision documents may be accepted by the Planning Board if such work is acceptable to all the Town bodies and departments involved and all such changes are accurately and fully recorded on the As-Built plans to be furnished at the time of completion of the subdivision. This paragraph shall not be construed as granting any specific or general relief from the Planning Board's Rules and Regulations and all changes not given approval prior to their execution may be grounds to delay or refuse to release lots and/or financial security.
12. Work outside the subdivision required for curb cuts in existing streets, connections to existing water or drainage systems or similar off-site work shall not proceed until such work has been approved by the DPW and in the case of curb cuts in existing Town streets, the Selectmen, as well. All such work shall be done at the applicant's expense.
13. In accordance with Section VI.F (Inspection Procedure) of the Planning Board Rules and Regulations, at least four (4) weeks before start of construction, the Developer shall request the Town Planner to arrange a pre-construction meeting. No work shall begin for this project until such time as the Pre-Construction Meeting has been held by the Town Planner.
14. The time for completion of the ways and installation of utilities and for the completion of all obligations as set forth in the Covenant and this decision will extend two (2) calendar years from

the decision date, and it is contemplated that the subdivision will be completed by that date. If it should appear that the completion will not take place by that date, a request for an extension, with the justification appropriate to the circumstances, shall be submitted to the Planning Board well in advance of the expiration date. The Planning Board reserves the right to make any such extension, if granted, conditional upon your acceptance of any revisions in the Subdivision Control Rules and Regulations in effect at the time of the request. Additionally, such approval may be subject to an increase in the amount of financial security outstanding. Any such increase is intended to reflect construction cost inflation or remedy of defects in completed work or other good cause.

15. This decision and the Covenant shall be recorded together with the plan of the subdivision in the Plymouth County Registry (or at the Land Court Office therein) and evidence of such recording shall be furnished to the Planning Board prior to the release of any lots.
16. No Building Permit shall be issued for construction until after the applicant has satisfied all outstanding debts to the Town.
17. 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. Any exception to these limitations shall be through written and specific approval of the Building Inspector and Police Department.

SPECIAL CONDITIONS:

18. During the twenty day appeal period, the property owner and/or applicant shall submit some form of performance guarantee for construction of the approved roadway in accordance with MGL Chap. 41 Section 81. Once submitted and accepted by the Planning Board as the method of performance guarantee, the Board will endorse the record set of plans; to be recorded with the Town Clerk Certified Definitive Decision all at the Plymouth County Registry of Deeds and/or Land Court. **No site work (including mobilization and/or tree clearing) shall commence until such proof of recording has been submitted and approved by the Planning Department.**
19. A pre-construction meeting with the Town Planner shall occur **prior to the start of any site work.** As part of the meeting, the applicant/property owner shall provide at the meeting or prior to the meeting the following items:
 - a. All Contact information for the Project Manager including a 24 hour telephone number for the public safety divisions;
 - b. An estimated construction schedule of the project; including anticipated inspection of utilities and drainage by Town personnel
 - c. Initial Deposit of \$6,000.00 for inspections that will be necessary during the life of the subdivision work
 - d. A dig safe number for the start of the project and thereafter when renewed provided the new number via email.

- e. Submission of the Storm Water Pollution Prevention Plan (SWPPP) – submit prior to meeting.
- f. A description of what provisions will be utilized to control dust and if needed what provisions will be utilized for dewatering should it become necessary
- g. Location of any construction trailer or any marketing signage at the entrance of the subdivision

Completed on site:

- h. Flagging that will depict the limit of tree clearing before any cutting can occur on the site
 - i. All soil and erosion controls have been installed as required per the approved plans.
 - j. A gravel apron at the roadway entrance to serve as a stabilized construction entrance for vehicles exiting the site and minimize sediment deposits on the adjoining roadway
 - k. Stake out property line on the easterly side of the proposed subdivision from station 0+00 to station 2+00 to clearly delineate the mutual property line.
20. **Prior to any sale of the property even as a whole parcel**, proof of recording of the Definitive Subdivision Decision, Plans and Homeowner's Association from the Plymouth County Registry of Deeds, shall be submitted to the Planning Department. Establishment of the Homeowner's Association documents shall clearly identify the Homeowner's Association shall be responsible for all aspects of the roadway operation, management and longevity including but not limited to annual snowplowing and street sweeping. The Homeowner's Association shall also be responsible for the subdivision drainage system, landscaping and retaining wall at station 1+00 to 1+70 as to operation, maintenance and longevity. The proposed roadway will remain a private way and shall not be accepted in the future by the Town as a public way. This condition shall run with the title of the property.
21. Annually before November 1st, the Homeowner's Association shall provide by certified mail to the Department of Public Works a copy of a plowing contract for the roadway for the upcoming winter season. Only in an emergency situation, this private roadway is not plowed and the Town of Hanover has to plow the road for emergency access, the Homeowners' Association shall be invoiced and required to pay for such snowplowing service. This condition shall run with the title of the property.
22. The applicant and/or owner shall submit to the Fire Department, for review under the Town's existing "911" system, a proposed street name for the subdivision roadway for approval to avoid duplication of other similar street names. Written approval from the Fire Department shall be provided by the applicant and/or owner to the Planning and Public Works Department **prior to the issuance of the first building permit (including foundations)**.

23. Any proposed signage and/or natural carved monument style identification with the subdivision name or road name shall be set back from the pavement intersection of Oakland Ave and the proposed roadway to assure a clear line of sight in both directions for vehicles entering and the subdivision.

During Construction Phase:

24. Hours of work shall be in accordance with General Bylaws 6.30 (Noise Control Bylaw) - specifically section 6 A relative to construction hours this shall including any starting of equipment in anticipation of the workday.
25. The Applicant, Owner and/or their contractor are responsible for keeping the site in an overall neat and orderly manner. Stockpiling of any natural or man-made materials shall be located away from the flagged wetlands and if long term shall be stabilized at the toe of slope with some type of soil erosion control method. At the end of each construction day, the site shall be secure to prevent public access while under construction until the base coat of pavement has been applied – no trenches are to be left open overnight unless a secured method of protection is provided. Oakland Ave shall be inspected for any track soil deposits from the site and if necessary hand swept to address anything that has been tracked from the site.
26. All contractor and employee vehicles shall be parked on-site and not along the sides of Oakland Avenue. The loading and unloading of equipment in Oakland Avenue shall be performed as quickly as possible and there shall be no long term (entire workday) parking of trailers on the shoulder of Oakland Avenue.
27. As each lot begins to be developed with installation of the Title V system and/or the residential structure, the applicant, owner and contractor shall submit prior to issuance of the foundation/building permit to the Planning Department the final grading plan for the lot. The Planning Department will review the grading plan to assure there are no substantial changes of grades that would impact the roadway drainage system and driveway apron slope.
28. The Subdivision was approved for one sidewalk on the westerly side of the road. Once the sidewalk as approved has been installed, then the planting of the required street trees shall be behind the sidewalk of those lots and approved by the Planning Department. As part of any request for release of lots from the Covenant for any of those lots that have not had the sidewalk completely installed, the requestor shall provide a proposed schedule of work relative to the sidewalk and including a written agreement that the trees shall be installed behind the sidewalk possibly on private property depending on their location with the lot release request.
29. Additional landscaping as depicted on Sheet LS-1 presented to the Planning Board on 4/12/21 prepared by McKenzie Group entitled "Definitive Subdivision Plan Oakland Estates" - one sheet - shall be accomplished within the first growing season the subdivision construction has commenced on both the property of #275 Washington Street and at the roadway entrance of the subdivision. A temporary construction easement or written authorization from the owner of #275 Washington Street shall be submitted to the Planning Department prior to the start of any landscaping work on their property. The Oakland Estates applicant and/or owner shall assume responsibility for ensuring the installed landscaping at #275 Washington Street shall survive for

two annual growing seasons and thereafter it will be the property owner of #275 responsibility to maintain the landscaping.


30. All new electrical service within the proposed subdivision limits shall be underground in accordance with the Planning Board Rules and Regulations for the Subdivision of Land.
31. The applicant and/or owner shall contribute \$9,035 to the Hanover Sidewalk Fund in lieu of the construction of the second sidewalk within the subdivision.
32. The applicant and/or owner shall notify the Planning Department prior to the installation of any street trees within the subdivision.

END OF CONDITIONS

Upon expiration of the 20-day statutory appeal period that commences with the filing of this document with Town Clerk, upon the Town Clerk's certification that no appeal has been made and the signature of the applicant, and upon submittal by the applicant of the appropriate performance guarantee in accordance with M.G.L., Chap. 41, Sec. 81U., the Planning Board will be able to sign both the Plan and this document. These items, together with a standard Covenant, shall be recorded in the Plymouth Registry of Deeds. Evidence of such recordings shall be furnished to the Board in the form of copies of same.

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

 6/21/21
Town Clerk: _____ Date: _____
Catherine Harder-Bernier

The undersigned accept and agree as the Hanover Planning Board to the conditions and obligations herein set forth;


MaryAnn Brugnoli, Chair


Kenneth Blanchard, Vice- Chair


Meaghan Neville-Dunne, Clerk

Abstain
Bernie Campbell, Member



Giuseppe Fornaro, Member

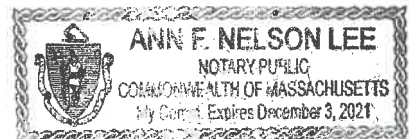

Anthony Cavallaro, Associate

Not Participating
David Traggoth, Associate Member

Plymouth, County

On this 12th day of MAY, 2021, came before me, the undersigned Hanover Planning Board, personally appeared known to me through satisfactory evidence of identity, to wit, M. Brugnoli, K. Blanchard, M. Neville-Dunne, ~~B. Campbell~~, G. Fornaro and A. Cavallaro, to be the person(s) whose names are signed on the attached document and who signed in my presence.


Notary Public



My commission expires:

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