

TOWN OF HANOVER

Board of Appeals

TOWN OF HANOVER, MASSACHUSETTS 02339

2014 FEB 18 P 12: 23

TOWN CLERK

FINDINGS AND DECISION

RE: Application of Kennedy Building LLC for a Comprehensive Permit

DATE: February 12, 2014

PROCEDURAL HISTORY

1. September 4, 2013, Kennedy Building LLC; Planning Office for Urban Affairs (the "Applicant") applied for a comprehensive permit pursuant to G.L. c. 40B to construct a 37-unit residential housing development from the Hanover Zoning Board of Appeals (the "Board") all units shall be affordable. Eligible to households earning not more than 80% of the area median income. The Applicant proposes to construct rental housing units as described in detail below (the "Project"). The Project is to be located at 369 Washington Street, in Hanover, Massachusetts on Lots 009 of Assessors Map 49, containing approximately 15.2 acres (hereinafter, the "Property").
2. The Public Hearing and continuances thereof were held pursuant to notice published in the Hanover Mariner on Wednesday September 11, 2013 and September 18, 2013 and mailed to parties in interest.
3. A duly advertised public hearing was opened by the Board on September 25th, 2013, and continued to the following dates:

September 25, 2013 (Original Hearing)
October 16, 2013
November 6, 2013
December 4, 2013
December 18, 2013
4. The public hearing was closed on December 18, 2013.
5. The following documents and exhibits were received by the Board during the public hearing and are hereby incorporated by reference in the decision:
 - a. Original Submission Letter dated September 4, 2013 – Comprehensive Permit Application for "Kennedy Building Application, 369 Washington Street", binder containing:
 - i. Introduction - Cover letter
 - ii. Exhibit 1 - Comprehensive Permit Application
 - iii. Exhibit 2 - Project Narrative

- iv. Exhibit 3 - Preliminary Architectural and Site Development Plans
 - v. Exhibit 4 - Stormwater Drainage Report
 - vi. Exhibit 5 - Parking Plan and Traffic Study
 - vii. Exhibit 6 - List of Zoning Exceptions and Required Relief
 - viii. Exhibit 7 - Project Eligibility Letter Dated October 30, 2013
 - ix. Exhibit 8 - Certificate of Organization / Articles of Organization
 - x. Exhibit 9 – Evidence of Interest in Site and Letter of Intent
- b. Architectural plans entitled “Kennedy Building, 369 Washington Street, Hanover, MA” prepared by The Architectural Team, Inc., dated September 25, 2013 and consisting of the following:
- 1. T0.01 Title Page
 - 2. T0.02 Drawing List
 - 3. T0.03 Project Information
 - 4. A1.00 Proposed Ground Floor Plan
 - 5. A1.01 Proposed First Floor Plan
 - 6. A1.02 Proposed Second Floor Plan
 - 7. A1.03 Proposed Third Floor Plan
 - 8. A1.04 Proposed Roof Plan
 - 9. A2.00 Proposed Typical Unit Plans
 - 10. A3.20 Door and Window Elevations
 - 11. A4.01 Proposed Exterior Elevations
 - 12. A4.02 Proposed Exterior Elevations
 - 13. A4.01 Proposed Wall Section
- c. Site development plans entitled “Kennedy Building Site Improvements Permitting Plans, Hanover, MA,” prepared by Horsley Witten Group, Inc., dated September 2013, revised January, 2014 and consisting of the following:
- 1. Sheet C-1 Cover
 - 2. Sheet C-2 Existing Conditions Plan
 - 3. Sheet C-3 Construction Notes
 - 4. Sheet C-4 Site Plan
 - 5. Sheet C-5 Grading and Utilities Plan
 - 6. Sheet C-6 Conceptual Landscape Plan
 - 7. Sheet C-7 Construction Details (1)
 - 8. Sheet C-8 Construction Details (2)
 - 9. Sheet C-9 Landscape Details
- d. “Stormwater management plans and report prepared by the Horsley Witten Group, Inc., as follow:
- 1. A Report entitled “Stormwater Analysis and Drainage Report, Kennedy Building, Cardinal Cushing School, 369 Washington Street, Hanover, MA”, dated September 2013 revised October 2013

2. A "Stormwater Operating and Maintenance Plan, Kennedy Building, Cardinal Cushing School, 369 Washington Street, Hanover, MA dated October 2013
 3. Letter to Town of Hanover, dated October 29, 2013
- e. "Kennedy Building Memorandum" Prepared by Gary McNaughton, P.E., PTOE of McMahon Associates, addressed to David Aiken, Planning Office of Urban Affairs
 - f. "Site Approval Application Notification" Prepared by MassHousing dated June 19, 2013
 - g. "Board of Selectman letter of support"" Prepared by Hanover Board of Selectmen dated August 5, 2013
 - h. "Letter of Intent, Kennedy Building, 369 Washington Street, Hanover, MA Prepared by Kennedy Building LLC, addressed to JoAnne Simons, President and CEO Cardinal Cushing Center, Inc., 405 Washington Street, Hanover, MA 02339, dated September 2, 2013
 - i. "Board of Appeals Transmittal Sheet to Town Departments" from Peter Matchak, Administrative Assistant Dept. of Municipal Inspections, dated September 5, 2013
 - j. "Email from Victor Dinaik, DPW Director, addressed to Peter Matchak, Administrative Assistant Dept. of Municipal Inspections dated September 24, 2013
 - k. Email from Neil Merritt, Deputy Superintendent of Public Works, Water Operations addressed to Peter Matchak, Administrative Assistant Dept. of Municipal Inspections dated September 25, 2013
 - l. Email from James Gallagher, Hanover Fire Dept. addressed to Peter Matchak, Administrative Assistant Dept. of Municipal Inspections dated September 25, 2013
 - m. "Abutter letter from Joan Ford, 262 Washington Street, Hanover, MA 02339 addressed to Hanover Board of Appeals dated September 30, 2013
 - n. "Abutter letter from Michael E. Stone, 58 Oakland Ave, Hanover, MA 02339 addressed to the Hanover Board of Selectmen dated September 30, 2013
 - o. Abutter letter from Joan Ford, 262 Washington Street, Hanover, MA 02339 addressed to the Hanover Board of Appeals received October 16, 2013
 - p. "Peer Review – 40B Traffic Assessment – Proposed Kennedy Building Apartments" prepared by Jacobs Engineering Group, dated October 16, 2013
 - q. "Review of Stormwater Management Documentation: Kennedy Building Site Improvements, Hanover, MA" prepared by Comprehensive Environmental Incorporated dated October 21, 2013
 - r. Email from David Aiken, Planning Office of Urban Affairs, addressed to Margaret Hoffman, Hanover Assistant Town Planner dated October 24, 2013
 - s. "Parking Management Plan ("Parking Plan")" draft prepared by Kennedy Building Apartments / Cardinal Cushing Center dated October 2013

- t. "Review of Stormwater Management Documentation Kennedy Building site Improvements Hanover, Massachusetts" prepared by Horsley Witten Group dated October 29, 2013
- u. "Kennedy Building Project Eligibility (Site Approval) Application prepared by MassHousing dated October 30, 2013
- v. "Updated Review of Stormwater Management Documentation Kennedy Building Site Improvements Hanover, MA" prepared by Comprehensive Environmental Incorporated dated November 1, 2013
- w. "Proposed 40B Housing 369 Washington Street, Hanover, MA: Response to Comments prepared by McMahon Associates dated November 6, 2013
- x. "Peer Review – 40B Traffic Assessment – Proposed Kennedy Building Apartment prepared by Jacobs Engineering Group dated November 25, 2013
- y. "Parking Management Plan ("Parking Plan")" prepared by Kennedy Building Apartments / Cardinal Cushing Center dated November 2013
- z. Town of Hanover Missed Meeting Affidavit from John C. Tuzik for meeting missed on December 4, 2013 signed and dated December 18, 2013
- aa. "Parking Management Plan ("Parking Plan")" prepared by Kennedy Building Apartments / Cardinal Cushing Center revised December 2013 date stamped with the Hanover Town Clerk December 5, 2013
- bb. Abutter letter from Robert and Barbara Edlund 309 Washington Street, Hanover, MA 02339 dated December 30, 2013 received January 6, 2014
- cc. Abutter letter from Robert and Barbara Edlund 309 Washington Street, Hanover, MA 02339 dated January 5, 2014 received January 6, 2014

FINDINGS

1. The Applicant is qualified pursuant to 760 CMR 56.00 in that
 - a. it is or will become a "limited dividend corporation" as that term is used in G.L. c. 40B, § 21 and 750 CMR 56.00(1);
 - b. it has a funding commitment from a subsidizing agency as evidenced by the project eligibility letter from MassHousing dated October 30, 2013 under the MassHousing's Mixed Income (Taxable/Tax Exempt) Financing Programs;
 - c. it has "control of the site" as that term is used therein that it has legal and/or equitable interests in the subject property as demonstrated by a properly executed Agreement to Enter Into Ground Lease between Cardinal Cushing Centers, Inc. (Landlord) and Kennedy Building LLC (Tenant) made as of October 28, 2013
2. The Property is zoned Residential A as set forth in the Hanover Zoning By-Law.

3. The Applicant proposes to construct at the Property thirty seven (37) apartment units. Of the thirty-seven (37) total dwelling units proposed, there shall be eight (8) - one-bedroom units, twenty-five (25) - two-bedroom units, and four (4) - three-bedroom units all of which shall be located in a single building as shown on the approved plans. Four (4) units shall be designated for use by individuals from the Department of Mental Health through the Facilities Consolidation Fund Program, all in accordance with the applicable regulations and guidelines governing the Facilities Consolidation Fund Program.
4. All one hundred (100%) percent of the proposed units will be leased at rents affordable to households earning less than eighty (80%) percent of the applicable median family income as determined by the U.S. Department of Housing and Urban Development (the "Affordable Units" and the "Affordability Requirement").
5. As required in this decision, all units will be serviced by the municipal water system and a private common sewerage system designed to Department of Environmental Protection Wastewater Discharge Permit regulations. The Applicant is entering into a Ground Lease with the property owner, Cardinal Cushing Centers, Inc. The Applicant has indicated that this Ground Lease contemplates that the Applicant will utilize the Waste Water Treatment Plant on the Cardinal Cushing Center's property for the 37 unit Kennedy Building. The Applicant will enter into a Waste Water Treatment Plant Agreement with Cardinal Cushing Centers, Inc. and any other relevant party; the Waste Water Treatment Plant Agreement will include provisions for the proper operation and maintenance of the Waste Water Treatment plant as approved by the Department of Environmental Protection.
6. The Board retained the following consultants to assist in the review of the application:

Traffic: Jacobs Engineering Group Inc., Boston, MA
Civil Engineer: Comprehensive Environmental Inc., Marlborough, MA
Legal Counsel: James Toomey of Murphy, Hesse, Toomey, & Lehan, Quincy, MA
7. The Board's traffic and engineering consultants prepared detailed reports indicating that the development of the Project would not endanger public health or safety or the environment, subject to the conditions set forth below.
8. The Board solicited the input of Town officials, Boards, Commissions, and other interested individuals and considered their comments and opinions.
9. The Project is consistent with local needs.

DECISION

Pursuant to M.G.L. c. 40B, the Zoning Board of Appeals of Hanover, after public hearing and findings of fact, hereby grants a comprehensive permit to Kennedy Building LLC for the construction and rental of 37 housing units, with associated infrastructure improvements, subject to the following conditions.

CONDITIONS

1. The project shall be constructed in substantial conformance with the following conceptual plans (the "Plans"):

DRAWINGS & REPORTS: (ALL INCORPORATED HEREIN BY REFERENCE)

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 2. T0.02 Drawing List
 3. T0.03 Project Information
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 5. A1.01 Proposed First Floor Plan
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 9. A2.00 Proposed Typical Unit Plans
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 11. A4.01 Proposed Exterior Elevations
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 9. Sheet C-9 Landscape Details
2. The Applicant has requested, and the Board of Appeals has granted, the waivers as referenced in the above referenced and approved documents attached as Exhibit A.
 3. The development of dwelling units on this property shall not exceed thirty-seven (37) apartment units authorized under this permit, all (100%) of which will be subject in perpetuity to the Affordability Requirement (occupancy by households at or below eighty percent [80%] of the Boston area median household income).

4. The existing health center which is run by the Cardinal Cushing Center shall remain in the building but will be relocated per the approved plans.
5. The tenants of the proposed units shall be chosen pursuant to a lottery to obtain eligible tenants for the Project, said lottery to be in full compliance with rules or guidelines promulgated by Massachusetts Department of Housing and Community Development (DHCD), and federal and state fair housing laws, whichever is stricter. Prior to conducting the Lottery, the Applicant or its Lottery Agent shall submit a copy of the Lottery Rules and Procedures to the Board.
6. Each and every unit within the Project shall be occupied by low or moderate income residents as defined in Massachusetts General Laws (M.G.L.) Chapter 40B, Sections 20-23 and the regulations promulgated thereunder, 760 CMR 56 (herein the "affordable" units). Insofar as allowed by applicable federal and state law and/or the subsidy program, with respect of up to 70% of the affordable units, the Applicants Lottery Rules and procedures shall provide a preference category for:
 - a. current Hanover residents
 - b. current employees of the Town of Hanover
 - c. graduates of the Cardinal Cushing School
7. Four (4) units shall be designated for use by individuals from the Department of Mental Health through the Facilities Consolidation Fund Program, all in accordance with the applicable regulations and guidelines governing the Facilities Consolidation Fund Program. If the Department of Mental Health does not identify tenants for the four designated units, the Applicant shall notify the ZBA and may alter the designated program for those four units with the approval of the ZBA, whose approval shall not be unreasonably withheld.
8. After Issuance of the Certificate of Occupancy, the Applicant shall comply at all times with the profit limitations and profit calculation methodology as prescribed by DHCD. No less than annually and no later than August 1st of each year after the issuance of the Certificate of Occupancy, the Applicant shall provide the ZBA with a copy of the reports submitted to DHCD with respect to its profit calculations.
9. Of the thirty-seven (37) total dwelling units proposed, eight (8) units shall be one-bedroom units, twenty-five (25) shall be two-bedroom units, and four (4) shall be three-bedroom units all of which shall be located in a single building as shown on the approved plans.
10. Prior to requesting a Certificate(s) of Occupancy for this project the Applicant shall provide written documentation to the ZBA that the Department of Public Works (DPW) has granted a Water Quality Compliance Certification for this site.

11. Prior to issuance of the Certificate(s) of Occupancy, the Applicant shall ensure that the property owner has sealed the access to the property from the current tunnel to the Kennedy Building.
12. The Applicant has submitted and the ZBA has approved a Parking Management Plan that involves the Cardinal Cushing Centers, Inc. as the owner and landlord of the property. The Applicant has worked with the logistics of the site to create as much on-site parking as possible. Because this is a redevelopment of a historically significant building the ZBA has granted a waiver from the parking requirements and approved the Parking Management Plan which they feel will allow for sufficient parking for the tenants of the Kennedy Building and the residents and staff of the Cushing Centers. The Applicant and the owner of the property shall adhere to this Parking Plan at all times unless a modification to the plan is approved by the Zoning Board of Appeals, whose approval shall not be unreasonably withheld.
13. The Applicant shall provide the Town Planner, the Hanover Fire Department and the Hanover Police Department with contact phone numbers of both the Kennedy Building and Cushing Center staff responsible for parking coordination.
14. The ZBA has determined that the traffic impacts of the proposed development will not be substantial enough to require mitigation at this time. The Town of Hanover is in the process of studying the Rte 53 corridor and Washington Street in order to determine the needs for improvements for traffic flow. The ZBA has requested that the Cardinal Cushing Centers and the Applicant coordinate any plans for expansion or redevelopment with the Town and work with the Hanover Department of Public Works as plans for sidewalks along this section of Washington Street are finalized. This would include working cooperatively with the Town and granting any easements necessary for construction of sidewalks, crosswalks and wheelchair ramps.
15. The Applicant shall work cooperatively with the Cardinal Cushing Centers and the Hanover Police Department in order to determine whether the gate on the Cardinal Cushing Center property shall be opened or closed at specific intervals to alleviate speeding or traffic flow patterns that may be detrimental to the abutting neighborhood on Washington Street and report back to the ZBA within six (6) months of issuance of the Certificate of Occupancy regarding its discussions on the coordination with the Hanover Police Department.
16. The Applicant shall coordinate with the Cardinal Cushing Centers and the Hanover Police Department to conduct enforcement patrols for speeding vehicles on Washington Street and Oakland Avenue and shall report back to the ZBA within six (6) months of issuance of the Certificate of Occupancy regarding its discussions on the enforcement patrols with the Hanover Police Department.
17. The Applicant shall post carpool/vanpool and public transportation information if available in the area in the lobby of the development for the residents.
18. The Applicant shall install bike racks as shown on the approved plan.

19. As discussed in the Engineering Peer Review letter from Comprehensive Environmental Incorporated dated November 1, 2013, the grading plan as proposed results in a low spot in the north rear landscaped area adjacent to the building, which must ultimately drain by infiltration of stormwater into the ground. The submitted drainage report does not include on-site soils testing to confirm the soils textures and depth to seasonal high groundwater. The Applicant shall conduct a test pit at this location at the time of construction, witnessed by Town code enforcement personnel, to verify that the soils are suitable for infiltration. If the test pit does not support this conclusion, the Applicant shall submit an alternative design to the Town Planner to provide for positive drainage of this low area. Any alternative design shall be reviewed by the Town's Consultant Review Engineer at the expense of the Applicant.
20. The Applicant's engineer indicated in a letter dated October 29, 2013 that based on their observations there are no illicit connections to the existing drainage system. During the design of the building, the mechanical engineer will evaluate the building's mechanical systems, and any unknown illicit discharges uncovered during this evaluation will be investigated and removed. The Applicant shall furnish a letter from its engineering team prior to issuance of a Certificate of Occupancy, documenting that the building's mechanical system has been evaluated and that any illicit discharges uncovered by such evaluation have been removed.
21. The Applicant has indicated that they intend to enter into a ground lease with the property owner, Cardinal Cushing Centers, Inc. This Comprehensive Permit shall become void if after 24 months from its issuance the applicant has not executed the ground lease to utilize the property.
22. The Applicant is entering into a ground lease with the property owner, Cardinal Cushing Centers, Inc. The Applicant has indicated that this Ground Lease contemplates that the Applicant will utilize the Waste Water Treatment Plant on the Cardinal Cushing Center's property for the 37 unit Kennedy Building. The Applicant will enter into a Waste Water Treatment Plant Agreement with Cardinal Cushing Centers, Inc. and any other relevant party; the Waste Water Treatment Plant Agreement will include provisions for the proper operation and maintenance of the Waste Water Treatment plant as approved by the Department of Environmental Protection. The Applicant shall notify the Zoning Board of Appeals if any substantial amendments or revisions are made to the Ground Lease.
23. In the event that the owner of the Waste Water Treatment Plant fails to maintain the privately owned sewage treatment plant in accordance with such guidelines for operation and maintenance, the Town may, but is not required to, make emergency repairs to the privately owned sewage treatment plant at the sole expense of the Applicant. The Applicant shall cause to be created and conveyed any easement necessary to implement such repairs, which shall be approved as to form by the Board's legal counsel. In the event that the Applicant fails to reimburse the Town for such repairs, the Town may place a lien upon the subject property or any unit therein.

24. The Applicant shall provide legible numbering and lettering signs as directed by the Fire Department. Signage shall include, but not be limited to: building addresses at exterior entrances, interior signage for apartment numbering, building mechanical rooms, and hallway directional signs.
25. The Applicant shall provide lock boxes for the main entrance and any other building entry points as required and approved by the Hanover Fire Department to ensure adequate access in the event of an emergency.
26. The proposed building shall be provided with a sprinkler system in accordance with state and town fire prevention regulations.
27. During construction, the Applicant shall conform to all local, state, and federal laws regarding noise, vibration, dust, and blocking of Town roads not waived by this Decision. 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 Saturdays, except work specifically required by a Town agency to be conducted outside of such hours. The Applicant shall at all times use reasonable means to minimize inconvenience to residents in the general area. There shall be no construction on any Sunday or federal legal holiday. Any exception to these limitations shall be through written and specific approval of the Director of Community Services and Hanover Police Department.
28. The Applicant shall provide for or otherwise ensure proper maintenance of the above referenced and approved stormwater management system.
29. The Hanover Department of Municipal Inspections or its appointed agents may conduct periodic inspections during the construction of the Project, to ensure compliance with the terms of this Decision and the state building code, and for consistency with generally-accepted construction and engineering practices for the installation of driveways, stormwater management facilities, utilities, and other common development infrastructure. The Applicant shall be required to pay the cost of standard building, plumbing, electrical and other related inspections. Such fees may be waived or reduced by the Town through the appropriate Board or official at their sole discretion.
30. To the extent this Decision requires further action by the Board or any official of the Town of Hanover, the action requested by the Applicant shall not be unreasonably withheld or delayed.
31. Prior to the required Pre-Construction Meeting or commencement of any construction activities or any site development or clearing, the Applicant shall deliver to the Town Planner (for review and approval, which shall not be unreasonably withheld) a complete Construction Management Plan (CMP) for this project which shall include and be limited to addressing the following topics and items:

Construction Administration

Hours of construction
Hours of construction delivery (hauling and access)
Truck routes
Trash and debris removal

Construction Phasing and Schedule (critical path)

Timing and phasing of construction; site clearing; construction of roadways and utilities; buildings, etc.

Communications

24-hour contact list for this project (including Applicant, engineer, general contractor, major subcontractors, wetlands specialists, and any other representatives relative to this project)

Noise and Dust Control

Tree removal (chipping, etc.)
Public street cleaning (sweeping) and repair
Dust
Noise
Rock crushing

Blasting

Blasting Plan
Identification of petitioner's blasting consultant
Selection of independent blasting consultant
Selection of blasting contractor
Pre- and post-blast survey (scope and content)
Insurance coverage
Blasting limits
Notification to abutters of blasting schedule
Road closures (if necessary)
School bus conflicts (limits on hours)

Erosion Control

Silt sacks, hay bales, silt fences, etc.
Tree protection plan
Drainage infrastructure
Stockpiling areas and erosion control

Identification of existing underground utilities

Construction Staging

Staging areas
Site office trailers
Storage trailers and containers
Open storage areas

*Truck staging areas
Delivery truck holding areas
Re-fueling areas.*

Traffic and Parking (during construction)

*On-site locations
Off-site locations
Snow removal
Police details
Warning signs*

Fire and Emergency

*Temporary emergency access driveways
Safe Access to and from the site*

Construction Specifications

The scope of review for the CMP shall be for completeness and for consistency with generally-accepted construction practices and for compliance with all conditions of this Decision. The Town Planner shall issue his decision on the CMP within thirty (30) days of a complete submission from the Applicant. Failure of the Town Planner to issue a decision on the CMP within the specified thirty (30) days shall be deemed approval.

A copy of the CMP shall be delivered to the ZBA prior to the commencement of any construction activities or any site development or clearing.

Prior to the commencement of any construction activities or any site development or clearing, the Applicant shall meet with the Town Planner, Building Commissioner, Superintendent of Public Works, Conservation Agent, Police Chief or his representative, Fire Chief or his representative, at a mutually convenient time and place during normal business hours to review the CMP and to coordinate periodic inspections of the Project (the "Pre-Construction Meeting").

32. 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.
33. All landscaping and other site amenities throughout the project shall be in accordance with the above referenced and approved plans.
34. 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. The ZBA is aware that any light fixtures must be approved by the National Parks Service and will accept the designs that are approved by the NPS.

35. The Applicant shall provide two (2) printed copies of a final As-Built Plan for this Project within ninety (90) days of completion of the Project. Said As-Built shall be provided in hard copy drawings (24x36 drawing sheets) 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.
36. Prior to the issuance of Certificate of Occupancy, the Applicant shall provide the Board with a proposed Stormwater Management Operation and Maintenance (O&M) Plan, consistent with the Department of Environmental Protection's (DEP) Stormwater Management Standards and the Massachusetts Stormwater Handbook.
37. To ensure that the municipal water supply system can fulfill the additional water demands of the development, no municipal water shall be used within the development for the irrigation and maintenance of landscaping. All landscape features shall be maintained with private wells or captured and treated stormwater in order to prevent unnecessary use and/or waste of a limited Town water supply. No irrigation systems shall be installed without prior written approval of the Department of Public Works. This condition shall not apply to private irrigation wells installed within the project.
38. Prior to the required Pre-Construction Meeting, and before any construction, the Applicant shall provide one (1) full size (24"x36") and three (3) half size (8.5"x11") copies of the final approved Site Plan set (see above) to the Town Planner (for consistent distribution among Town Departments), and one (1) full copy of the entire approved plan set (building and site plans) in AutoCAD format (viewable and editable in AutoCAD 2007 LT) and Adobe PDF format each.
39. 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.
40. 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.

Any person aggrieved by this decision may appeal to the Superior Court, or the Land Court, or to the District Court Departments of Plymouth County, Massachusetts praying that the decision of the Zoning Board of Appeals be annulled. Appeals shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date this decision was filed with the Town Clerk.

A true copy of this decision will be filed with the Town Clerk, Planning Board, and Building Commissioner of the Town of Hanover, Massachusetts.

Town Clerk Certification:

I hereby certify that 20 days have elapsed from the date this decision was issued and that no appeal has been filed with this office.

A TRUE COPY:

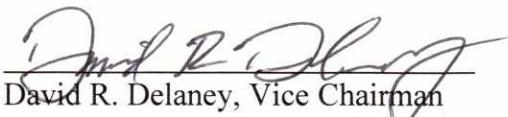
Catherine Harder-Bernier, Town Clerk

Date:

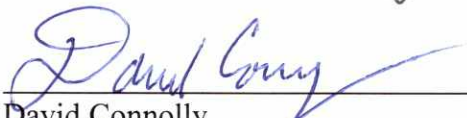
RECORD OF VOTE

The following members of the Board of Appeals vote to grant a comprehensive permit to the Kennedy Building LLC subject to the above-stated terms:

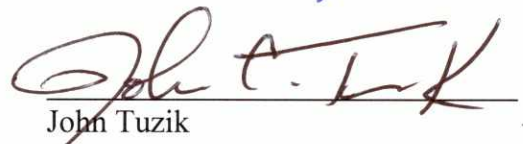
Matthew Perkins, Chairman



David R. Delaney, Vice Chairman




David Connolly



John Tuzik

Brian Callow



Christopher Bernard