

TOWN OF HANOVER

2013 DEC -6 1 A 11: 30

Board of Appeals

TOWN OF HANOVER, MASSACHUSETTS 02339

TOWN CLERK

FINDINGS AND DECISION

RE: Application of Webster Village LLC for Comprehensive Permit

DATE: December 4, 2013

PROCEDURAL HISTORY

1. March 28, 2013, Webster Village LLC (the "Applicant") applied for a comprehensive permit pursuant to G.L. c. 40B to construct a 76-unit residential housing development from the Hanover Zoning Board of Appeals (the "Board") that includes 19 units to 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 off Route 123, Webster Street in Hanover, Massachusetts on Lots 009, 011 and 020 of Assessors Map 4, containing approximately 15.4 acres (hereinafter, the "Property").
2. The Public Hearing and continuances thereof were held pursuant to notice published in the Hanover Mariner on Wednesday April 3, 2013 and April 10, 2013 and mailed to parties in interest.
3. A duly advertised public hearing was opened by the Board on April 24th, 2013, and continued to the following dates:

April 24, 2013(Original Hearing)
May 22, 2013 (Request for Continuance)
June 19, 2013 (Request for Continuance)
July 10, 2013
August 7, 2013 (Request for Continuance)
August 28, 2013
September 11, 2013 (Request for Continuance)
September 25, 2013
November 6, 2013
4. The public hearing was closed on November 6, 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 March 21, 2013 – Comprehensive Permit Application for "Webster Village", binder containing:
 - i. Introduction – Cover letter
 - ii. Exhibit 1 – Site Eligibility Letter
 - iii. Exhibit 2 – Site Control
 - iv. Exhibit 3 – Design Approach
 - v. Exhibit 4 – Project Site Plans
 - vi. Exhibit 5 – Architectural Design
 - vii. Exhibit 6 – Requested Exemptions and Waivers
- b. "Traffic Impact Study for the Webster Village Residential Development" Prepared by McMahon Associates, Inc. Prepared for Coneco Engineers dated February 2013
- c. "Stormwater Management Report – Project Site: Webster Village, 295 Webster Street, Hanover, Massachusetts 02339-1205" Prepared for Webster Village LLC, Prepared by Coneco, 4 First Street, Bridgewater, MA 02324 dated August 13, 2013 Revised November 8, 2013
- d. Memorandum from Michael McGonigle dated May 22, 2013 to the Hanover Zoning Board of Appeals requesting a continuance of the public hearing scheduled for May 22, 2013 to the next regularly scheduled meeting date
- e. A letter from Peter Vasiliou of Jacobs Engineering Group dated June 11, 2013, subject – Peer Review – Traffic Impact Study – Proposed Webster Village Residential Development
- f. Email from Michael McGonigle to Margaret Hoffman, Asst. Town Planner sent June 19, 2013 requesting a continuance of the public hearing scheduled for June 19, 2013 to July 17, 2013
- g. A memorandum from Gary McNaughton, P.E., PTOE of McMahon Transportation Engineers and Planners to Mike McGonigle dated June 28, 2013, Subject – Webster Village- response to Traffic Comments
- h. Email from Michael McGonigle to Peter Matchak, Administrative Assistant Hanover Dept. of Municipal Inspections Sent July 25, 2013 requesting a continuance of the public hearing scheduled for August 7, 2013 to the next regularly scheduled meeting
- i. A memorandum from Neal Merritt to Peter Matchak, Administrative Assistant Hanover Dept. of Municipal Inspections dated August 22, 2013 Re: Webster Village, 295 Webster Street (Plan dated 08/13/13)
- j. Email from David Nyman, Senior Engineer Comprehensive Environmental, Inc. to John Novak, Project manager, Coneco Engineers and Scientists sent August 26, 2013 Re: Webster Village Stormwater management Report.
- k. Email from Barbara Stone, Deputy Fire Chief, Hanover Fire Department to Peter Matchak, Administrative Assistant Hanover Dept. of Municipal Inspections sent August 26, 2013 subject: Webster Village

- l. Letter from David Nyman, CEI Engineers dated August 27, 2013 Re: Review of Stormwater Management Documentation Webster Village Comprehensive Permit Plans
- m. Email from Amy Walkey, Conservation Agent, Hanover Conservation Commission to Margaret Hoffman, Asst. Town Planner sent August 28, 2013 subject: Webster Village Plans dated August 13, 2013
- n. Email from Anthony Marino Town of Hanover, Director of Community Services to Peter Matchak, Administrative Assistant Hanover Dept. of Municipal Inspections sent August 28, 2013 subject: Webster Village Application
- o. Town of Hanover Missed Meeting Affidavit from David Connolly for meeting missed on July 10, 2013 dated August 28, 2013
- p. Email from Michael McGonigle to Margaret Hoffman, Asst. Town Planner Sent September 11, 2013 requesting a continuance of the public hearing scheduled for September 11, 2013 to September 25, 2013 or the next regularly scheduled meeting
- q. Email from Peter Vasiliou, Jacobs Engineering to Peter Matchak, Administrative Assistant Hanover Dept. of Municipal Inspections Sent September 12, 2013 Subject: Webster Village
- r. Letter from Jonathan Novak, Coneco Engineers and Scientists to Neal Merritt Deputy Superintendent (Water Operations) dated September 19, 2013 Re: Webster Village Comprehensive Permit Plans
- s. Letter from Jonathan Novak, Coneco Engineers and Scientists to Barbara Stone, Deputy Fire Chief dated September 19, 2013 Re: Webster Village Comprehensive Permit Plans
- t. Letter from Jonathan Novak, Coneco Engineers and Scientists to Margaret Hoffman, Assistant Town Planner dated September 19, 2013 Re: Webster Village Comprehensive Permit Plans
- u. Email from Amy Walkey, Conservation Agent, Hanover Conservation Commission to Peter Matchak, Administrative Assistant Hanover Dept. of Municipal Inspections sent September 24, 2013 subject: ZBA 40B Application
- v. Letter from David Nyman, CEI Engineers dated September 24, 2013 Re: Review of Stormwater Management Documentation Webster Village Comprehensive Permit Plans
- w. Email from Captain James Gallagher, Fire Prevention-EMS Coordinator Hanover Fire Dept. sent September 25, 2013 to Peter Matchak, Administrative Assistant Hanover Dept. of Municipal Inspections subject: ZBA 40B Applications
- x. Email from Victor Diniak, Director of Public Works sent September 24, 2013 to Peter Matchak, Administrative Assistant Hanover Dept. of Municipal Inspections subject: ZBA 40B Applications

- y. Email from Neal Merritt Deputy Superintendent of Public Works (Water Operations) sent September 25, 2013 to Peter Matchak, Administrative Assistant Hanover Dept. of Municipal Inspections subject: ZBA 40B Applications
- z. Letter from Jeffrey E. Gould, Bureau of resource Protection, Mass Dept of Environmental Protection to Rick Lincoln, Webster Village LLC dated October 1, 2013 Re: Hanover- Webster Village
- aa. Letter from Jonathan E. Novak, Project manager Coneco Engineers and Scientists to Hanover Conservation Commission dated October 29, 2013 subject: DEP# SE 31-1080, Design process & Comment letter, Webster Village
- bb. Email from David Nyman, Senior Engineer, Comprehensive Environmental, Inc. to Margaret Hoffman, Asst. Town Planner sent October 31, 2013 subject FW:5367.1 – Webster Village Peer review response Letter
- cc. Email from David Nyman, Senior Engineer, Comprehensive Environmental, Inc. to Jonathan E. Novak, Coneco sent October 31, 2013 subject FW:5367.1 – Webster Village Peer Review Response Letter
- dd. Webster Village List of Requested Exceptions, Waivers and Permits dated 10/31/2013 (Exhibit 1)
- ee. Letter of Agreement between Michael McGonigle, Manager-Member, Webster Village LLC and Mary Sperdelozzi-Connolly 231 Webster Street dated November 25, 2013 re: Webster Village, Access road abutting 231 Webster Street
- ff. Town of Hanover Missed Meeting Affidavit from Matthew Perkins for meeting missed on September 25, 2013 signed and dated December 4, 2013
- gg. Town of Hanover Missed Meeting Affidavit from David Delaney for meeting missed on August 28, 2013 signed and dated December 4, 2013

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 November 20, 2013 under the MHFA Housing Starts Program and the FHLB New England Fund Program;
 - 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 QUITCLAIM DEEDS granted to Michael B. McGonigle, who is a member of Webster Village LLC.

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 fifty four (54), two bedroom units and twenty two (22) one bedroom units. Seventy-five (75) percent (or 57 units) will be rented at market rate. Twenty-five (25) percent (or 19 units) will be rented at prices 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").
4. 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.
5. 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, & Lehane, Quincy, MA
6. 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.
7. The Board solicited the input of Town officials, Boards, Commissions, and other interested individuals and considered their comments and opinions.
8. The Project is consistent with local needs.

DECISION

Pursuant to G.L. c. 40B, the Zoning Board of Appeals of Hanover, after public hearing and findings of fact, hereby grants a comprehensive permit to the Applicant for the construction and rental of 76 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)

- A. A 33-sheet Site Plan entitled "Webster Village Comprehensive Permit Plans, 295 Webster Street, Hanover, Massachusetts, 02339" prepared by Coneco Engineers,

Scientists and Surveyors, 4 first Street, Bridgewater, Massachusetts 02324,
prepared for Webster Village LLC dated as follows:

<u>Sheet #/Plan Description</u>	<u>Plan Date</u>	<u>Recent Revision Date</u>
Cover Sheet	August 13, 2013	October 31, 2013
Notes and legends Plan	8/13/2013	10/29/13
Key Plan	8/13/2013	10/29/13
Existing Conditions Plan 1 of 4	8/13/2013	9/17/13
Existing Conditions Plan 2 of 4	8/13/2013	9/17/13
Existing Conditions Plan 3 of 4	8/13/2013	9/17/13
Existing Conditions Plan 4 of 4	8/13/2013	9/17/13
Layout Plan 1 of 4	8/13/2013	10/29/13
Layout Plan 2 of 4	8/13/2013	10/29/13
Layout Plan 3 of 4	8/13/2013	10/29/13
Layout Plan 4 of 4	8/13/2013	10/29/13
Grading Plan 1 of 4	8/13/2013	10/29/13
Grading Plan 2 of 4	8/13/2013	10/31/13
Grading Plan 3 of 4	8/13/2013	10/31/13
Grading Plan 4 of 4	8/13/2013	10/29/13
Drainage Plan 1 of 4	8/13/2013	10/29/13
Drainage Plan 2 of 4	8/13/2013	10/29/13
Drainage Plan 3 of 4	8/13/2013	10/29/13
Drainage Plan 4 of 4	8/13/2013	10/29/13
Utility Plan 1 of 4	8/13/2013	10/29/13
Utility Plan 2 of 4	8/13/2013	10/29/13
Utility Plan 3 of 4	8/13/2013	10/29/13
Utility Plan 4 of 4	8/13/2013	10/29/13
Roadway Plan & Profile 1 of 2	8/13/2013	10/29/13
Roadway Plan & Profile 2 of 2	8/13/2013	10/29/13
Site Lighting Plan	8/13/2013	11/8/13
Site Landscaping Plan	9/05/2013	9/05/2013
Landscaping Details	8/13/2013	10/29/13
Details 1 of 5	8/13/2013	10/29/13
Details 2 of 5	8/13/2013	10/29/13
Details 3 of 5	8/13/2013	10/31/13
Details 4 of 5	8/13/2013	10/29/13
Details 5 of 5	8/13/2013	10/29/13

B. A one (1) Page Plan entitled Full Site Drawings/Layout Plan dated 6/28/2013
prepared by Coneco Engineers, Scientists & Land Surveyors 4 First Street,
Bridgewater ,MA 02324 prepared for Webster Village LLC 24 Rockland Street,
Hanover, MA 02339

- C. A one (1) Page Plan entitled Conceptual Drawing/Conceptual Grading dated 04/10/2013 prepared by Coneco Engineers, Scientists & Land Surveyors 4 First Street, Bridgewater, MA 02324 prepared for Webster Village LLC 24 Rockland Street, Hanover, MA 02339
2. The development shall be limited to 76 units, nineteen (19) of which (or 25 percent) will be subject to the Affordability Requirement.
 3. The 76 units will be contained in Two (2) buildings, each containing thirty-eight (38) units.
 4. Fifty-four (54) units shall be two-bedroom units and twenty-two (22) units will be one-bedroom units.
 5. The Applicant shall select, with the prior approval of Citizens Housing and Planning Association (CHAPA), a Lottery Agent who shall implement the tenant selection process for the Affordable Units. Prior to conducting the Lottery, the Lottery Agent shall submit a copy of the Lottery Rules to the Board for its review. Lottery Rules shall be consistent with any rules or guidelines promulgated by MassHousing and shall be consistent with this decision document. The Board's review of the Lottery Rules shall be expeditious and its approval shall not be unreasonably withheld. The Applicant shall bear all reasonable expenses associated with the Lottery which expenses shall be approved in advance by the Applicant. The Lottery Rules shall provide that the Applicant shall provide a local preference for the sale of the affordable units to the maximum extent provided by the applicable federal and state laws and regulations and/or the subsidy program. This local preference refers to persons or families who are either (1) Current residents: A household in which one or more members is living in Hanover at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing. (2) Municipal Employees: Employees of Hanover, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees. (3) Employees of Local Businesses: Employees of businesses located in Hanover. (4) Households with children attending Hanover schools.

The Lottery Rules shall also define those instances in which the Lottery need not be conducted due to the absence of demand for units at the Project.

6. The Applicant shall be responsible for ensuring emergency access to the Property at all times during the year, including, but not limited to winter months. The Applicant shall be responsible for plowing and as necessary sanding all roadways, access drives, parking areas and emergency access drives on the Property as shown on the above referenced and approved plans.
7. A minimum of twenty-five (25%) percent of the units within the Project shall be available for rental to low or moderate income households as defined in M.G.L. c.40B, the regulations promulgated thereunder and the rules of the subsidizing agency (herein

the “affordable units”). The affordable units shall comply with state regulations requiring them to be essentially indistinguishable from the market rate units. All affordable units shall remain affordable in perpetuity in accordance with the rules and regulations of the subsidizing agency relating to low and moderate income rental units.

8. During construction, the Applicant shall conform to all local, state, and federal laws regarding noise, vibration, dust, and blocking of Town roads not expressly waived by this Decision. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction shall not commence on any day before 7:00 A.M. and shall not continue beyond 6:00 P.M. There shall be no construction on any Sunday or federal legal holiday.
9. The Applicant has proposed, and the Board hereby requires, that the following aspects of the development shall be and shall remain forever private, and that the Town of Hanover shall not have, now or ever, any legal responsibility for operation or maintenance of same:
 - a. All roadways, access drives, sidewalks, walkways and parking areas
 - b. Stormwater management facility
 - c. Snow plowing and snow and ice removal from all roadways, access drives, sidewalks, walkways and parking areas
 - d. Landscaping
 - e. Trash removal
 - f. Street lighting
 - g. Privately owned sewage treatment plant

In this regard, the roadway and access drives within the development shall not be dedicated to or accepted by the Town of Hanover. These common facilities shall be installed, operated and maintained in perpetuity by the Applicant or a management company under contract to maintain and operate the apartment units; provided, however, that in the event that the Applicant transfers the project and, in so doing, requires its successor to assume these responsibilities and such successor assumes the obligations in writing to the reasonable satisfaction of the Town of Hanover, then the Applicant shall no longer have legal responsibility for the operation or maintenance of items (a) through (g) above.

10. Prior to installation of the stormwater management system, final design plans shall be mutually agreed upon by the Applicant and the Hanover Department of Public Works (DPW). The DPW shall apply applicable state standards and generally accepted engineering standards to said plans. Prior to such installation, the Applicant’s registered professional engineer shall prepare guidelines for the operation and maintenance of the stormwater management system which shall be mutually agreed upon by the Applicant and the DPW. These guidelines shall be incorporated by reference into any contract with the company responsible for said operation and maintenance. Prior to the time at which the Applicant turns over the operation and maintenance of the stormwater management system by contract to such company, the

Applicant shall certify to the DPW that an appropriate budget has been established to maintain the stormwater management system as set forth in such guidelines, and that a contract has been entered into with a suitable entity to perform such maintenance. In the event that the Applicant fails to maintain the stormwater management in accordance with such guidelines for operation and maintenance, the Town may, but is not required to, make emergency repairs to the system at the sole expense of the Applicant. The Applicant shall convey 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.

11. Prior to installation of the privately owned sewage treatment plant, final design plans shall be mutually agreed upon by the Applicant, the Hanover Board of Health (Board of Health) and the Hanover Department of Public Works (DPW). The Board of Health and the DPW shall apply applicable state standards and generally accepted engineering standards to said plans. Prior to such installation, the Applicant's registered professional engineer shall prepare guidelines for the operation and maintenance of the privately owned sewage treatment plant which shall be mutually agreed upon by the Applicant, the Board of Health and the DPW. These guidelines shall be incorporated by reference into any contract with the company responsible for said operation and maintenance. Prior to the time at which the Applicant turns over the operation and maintenance of the privately owned sewage treatment plant by contract to such company, the Applicant shall certify to the Board of Health and the DPW that an appropriate budget has been established to maintain the privately owned sewage treatment plant as set forth in such guidelines, and that a contract has been entered into with a suitable entity to perform such maintenance. In the event that the Applicant 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 convey 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.
12. Prior to the issuance of a building permit, the Applicant shall submit the following information or plans for approval by the Board or its agent for consistency with the Plans and this Decision:
 - a. Lighting plan;
 - b. Landscaping and planting plan including entrance design and signage plans;
 - c. Detailed grading plan;
 - d. Erosion control plan;
 - e. Final utilities plan including water, gas, electric, cable, etc. and
 - f. Final approved plans for the stormwater management system and the privately owned sewage treatment plant in compliance with the applicable State Standards and generally accepted engineering standards.

13. The Applicant is required to connect all dwelling units to the municipal water system. Prior to the installation of water mains and the distribution and storage system, the Applicant and the DPW shall mutually agree upon the system design. The DPW shall apply applicable state standards and generally accepted engineering standards to said plans.
14. The Applicant shall forever address any sight-line deficiency at the North-West access road by eliminating any vegetation that obstructs the view of Webster Street from the access road on a quarterly basis as may be necessary to remove such sight line deficiency.
15. The Applicant shall construct a privacy fence along the abutting property line of the Project's northwest access road and 231 Webster Street. The fence shall begin at a point setback from Route 123 approximately 100 feet, not to exceed 175 feet in length and be 6 feet in height. Fencing shall be constructed using maintenance free PVC or similar material acceptable to the Zoning Board of Appeals and shall be neutral in color with minimal contrast to the surroundings (non-white).
16. The Applicant shall also install landscaping at the corner of the entrance abutting 231 Webster Street to mitigate vehicle headlight glare from entering the abutting property. Landscaping shall be approved by the Zoning Board of Appeals prior to installation.
17. 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.
18. The proposed building shall be provided with a sprinkler system in accordance with state and town fire prevention regulations.
19. 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 Town during the construction process. Such funds shall be held by the Town 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 Consultant Engineer and DPW Inspector on an as-needed basis.

20. The Applicant shall promptly pay the reasonable fee of the consulting engineers and the legal counsel of the Board of Appeals for the review of the documents or plans described herein. The Applicant shall have the right to request and receive an estimate of such fees prior to such work. During the construction phase, the project will be inspected from time to time by the Building Inspector to assure compliance with the approved plans and the State Building Code.
21. No building shall be issued a certificate of occupancy until all improvements, including but not limited to roads, utilities, privately owned sewage treatment plant and stormwater management system, specified in this decision and set forth on the plans of record are constructed and installed so as to adequately serve said building or adequate security has been provided to the Board. Said construction as to roadways only shall mean a binder coat of asphalt only. Any such performance guarantee shall be approved as to form by the legal counsel to the Board, which approval shall not be unreasonably withheld.
22. In determining the amount of the bond or surety to guarantee completion of the infrastructure, the Board shall be guided by the following formula in setting the sum of the security:
 - a. The Board's estimate of the cost to complete the work; plus
 - b. An appropriate rate of inflation over a five-year period.

The Board may reduce the amount of the security from time to time in accordance with the Subdivision Rules.

23. All performance bonds shall contain the following provision:

If the Principal shall fully and satisfactorily observe and perform in accordance with the qualifications and time schedule set forth herein specified all the covenants, agreements, terms and provisions set forth in the following:

- a. The plan of record;
- b. This Decision attached hereto as Exhibit A with all Exhibits thereto; and

Then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid sum shall be paid to the Town Hanover as liquidated damages and to pay for the construction of the improvements specified in the decision.

24. The term "Applicant" as set forth herein shall mean the Applicant, its successors, and assigns. This decision shall run with the land. Upon the Applicant's transfer of the

Project and/or the Permit to any successor or assignee, transferee shall assume all rights and responsibilities under this Decision.

25. The Applicant has requested, and the Board of Appeals has granted, the waivers as referenced in Webster Village List of Requested Exceptions, Waivers, and Permits dated 10/31/2013 (Exhibit 1), from local rules as set forth in Exhibit 1. Any local rules not referenced in Exhibit 1 shall continue in effect and shall be complied with by the Applicant. Minor deviations from otherwise applicable local rules may be authorized by the Board in the subsequent review and approval of final plans.
26. To the extent that CHAPA is unable or unwilling to perform any of the duties delegated to it under this Decision, the Applicant shall propose another entity or individual to the Board, whose approval shall not be unreasonably withheld.
27. 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.
28. 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, the Applicant shall provide the ZBA with a copy of the reports submitted to DHCD with respect to its profit calculations.
29. 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").

28. Within sixty (60) days of completion of the Project, the Applicant shall submit to the ZBA a written request for As-Built approval accompanied by two (2) sets of As-Built Plans for all infrastructure improvements and, if applicable, proof of compliance with the permits and/or conditions of the DPW and Fire Department. As-Built approval shall not be considered complete until the As-Built vote of the ZBA and all surviving conditions have been filed at the Plymouth Registry of Deeds and/or Land Court. Proof of the filing of As-Built approval shall be provided to the ZBA prior to the issuance of any temporary or permanent Certificate of Occupancy by the Building Department.
29. The Board reserves the right, insofar as consistent with the state law, to further review and amend this decision based upon any information that comes before the Board as a result of Applicant's future need to acquire permits from any local, state or Federal authority, specifically including filings under the Massachusetts Environmental Policy Act, which information affects the plans submitted with the Project and approved by the Board. The Board, in issuing this comprehensive permit, is relying upon information submitted to it by the Applicant, the Applicant's engineers and consultants, and the Town's boards, officials, staff, engineers and consultants. If any such information presented in another permitting or environmental process is different from what was presented to this Board, the Applicant shall promptly notify the Board in writing, describing such change. Within twenty (20) days the Board shall determine and notify the Applicant whether it deems the change substantial or insubstantial. If the change is determined to be insubstantial, or if the Board fails to notify the Applicant of its determination, the comprehensive permit shall be deemed unaffected by the change. If the change is determined to be substantial, the Board shall hold a public hearing within thirty (30) days of its determination and issue a decision within forty (40) days of termination of the hearing, rescinding the comprehensive permit, altering the conditions or adding further conditions of the comprehensive permit, or making no change in the comprehensive permit. The Board may rescind the comprehensive permit only if it finds that the Applicant or its agents made material misrepresentations to the Board or obtained the comprehensive permit by fraud. Only the different information and the aspects of the Project affected by the different information shall be at issues in such hearing.
30. This comprehensive permit shall expire, if the Applicant has not, for whatever cause, obtained building permits for the units within one (1) year of the date this decision

becomes final, or if Applicant has not completed construction on the Project within three (3) years of the date this decision becomes final unless extended by the Board. The decision is deemed to have become final upon the date the decision is filed with the Town Clerk if no appeal is filed and otherwise the date the last appeal is decided or otherwise disposed of.

THIS SECTION INTENTIONALLY LEFT BLANK

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:

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

Catherine Harder-Bernier, Town Clerk

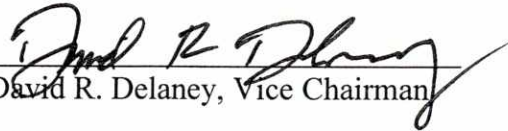
Date: 12/27/15

RECORD OF VOTE


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



Matthew Perkins, Chairman



David R. Delaney, Vice Chairman



David Connolly

John Tuzik