



**PLANNING BOARD
TOWN OF HANOVER
MASSACHUSETTS**

TOWN OF HANOVER
2023 JAN -3 AM 11:53
TOWN CLERK

**APPROVAL OF DEFINITIVE SUBDIVISION PLAN
334 KING STREET**

LOCUS: Roadway entrance at #334 King Street with area shown as Assessor's Map 67, Lot 11 and Map 68 Lot 10 – Subdivision comprised of two existing lots for a combined total of 3.0 acres.

ZONING DISTRICT: Residence A

APPLICANT: James F. Doherty, 1112 Massachusetts Avenue, Arlington, MA 02476

OWNERS: Map 67 Lot 11 = Hanover House Hotel Nominee Trust of Massachusetts
1337 Massachusetts Avenue, Arlington, MA 02476
Map 68 Lot 10 = Thomas J. Doherty
1337 Massachusetts Avenue, Arlington, MA 02476

PREPARED BY: Grady Consulting LLC
71 Evergreen Street (Suite 1), Kingston, MA 02364

STAMPED BY: Timothy R. Bennett (RPLS #36856)
Kevin S. Grady (RPE #46264)

DRAWINGS: *(all incorporated herein by reference)*

"Definitive Subdivision Plan "Hanover House Way" (#334 King Street) Assessors Lots 67-11 & 68-10, Hanover Massachusetts" stamped by Timothy R. Bennett (RPLS #36856) of Grady Consulting LLC, dated 6/2/22 last revision 12/15/22 (Sheet 1 of 10)

"Definitive Subdivision Plan "Hanover House Way" (#334 King Street) Assessors Lots 67-11 & 68-10, Hanover Massachusetts" stamped by Timothy R. Bennett (RPLS #36856) of Grady Consulting LLC, dated 6/2/22 last revision 12/15/22 (Existing conditions Sheet 2 of 10)

"Definitive Subdivision Plan "Hanover House Way" (#334 King Street) Assessors Lots 67-11 & 68-10, Hanover Massachusetts" stamped by Timothy R. Bennett (RPLS #36856) of Grady Consulting LLC, dated 6/2/22 last revision 12/15/22 (Lotting Plan Sheet 3 of 10)

"Definitive Subdivision Plan "Hanover House Way" (#334 King Street) Assessors Lots 67-11 & 68-10, Hanover Massachusetts" stamped by Timothy R. Bennett (RPLS #36856) of Grady Consulting LLC, dated 6/2/22 last revision 12/15/22 (Plan & Profile Sheet 4 of 10)

"Definitive Subdivision Plan "Hanover House Way" (#334 King Street) Assessors Lots 67-11 & 68-10, Hanover Massachusetts" stamped by Timothy R. Bennett (RPLS #36856) of Grady Consulting LLC, dated 6/2/22 last revision 12/15/22 (**Grading Erosion Control Sheet 5 of 10**)

"Definitive Subdivision Plan "Hanover House Way" (#334 King Street) Assessors Lots 67-11 & 68-10, Hanover Massachusetts" stamped by Timothy R. Bennett (RPLS #36856) of Grady Consulting LLC, dated 6/2/22 last revision 12/15/22 (**Drainage & Septic Sheet 6 of 10**)

"Definitive Subdivision Plan "Hanover House Way" (#334 King Street) Assessors Lots 67-11 & 68-10, Hanover Massachusetts" stamped by Timothy R. Bennett (RPLS #36856) of Grady Consulting LLC, dated 6/2/22 last revision 12/15/22 (**Sheet 7 of 10**)

"Definitive Subdivision Plan "Hanover House Way" (#334 King Street) Assessors Lots 67-11 & 68-10, Hanover Massachusetts" stamped by Timothy R. Bennett (RPLS #36856) of Grady Consulting LLC, dated 6/2/22 last revision 12/15/22 (**Sheet 8 of 10**)

"Definitive Subdivision Plan "Hanover House Way" (#334 King Street) Assessors Lots 67-11 & 68-10, Hanover Massachusetts" stamped by Timothy R. Bennett (RPLS #36856) of Grady Consulting LLC, dated 6/2/22 last revision 12/15/22 (**Details Drainage- Sheet 9 of 10**)

"Definitive Subdivision Plan "Hanover House Way" (#334 King Street) Assessors Lots 67-11 & 68-10, Hanover Massachusetts" stamped by Timothy R. Bennett (RPLS #36856) of Grady Consulting LLC, dated 6/2/22 last revision 12/15/22 (**Details Sheet 10 of 10**)

REPORTS: *(all incorporated herein by reference)*

"Stormwater Management Calculations- King Street Subdivision (334 King Street) Hanover, Massachusetts" Dated 12/26/17 last revision 10/7/22 - Stamped by Kevin S. Grady (RPE #46264)

BACKGROUND

In accordance with the provisions of M.G.L., Chap. 41, Sec. 81 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, August 15, 2022 at 7:00 p.m. and also via Zoom video call for the purpose of hearing the application for the proposed three (3) lot subdivision known as 334 King Street on 3.0 +/- acres of land - a combination of two lots under the applicants ownership at #334 King street all zoned Residence A. The proposed roadway will obtain access from King Street at the existing lot frontage of #334 King for a proposed linear length of approximately 320' LF. The proposed roadway will service three (3) residential house lots with Lots 2 & 3 serving the dual purpose of a drainage basin located at the rear of these two lots as well as the residences. The proposed roadway is not within the jurisdiction of the Conservation Commission however Lots 1 & 2 may require Conservation Commission approval for development and the Planning Board urge the applicant to consult with the Conservation Commission early in the development process. The proposal came before the Planning Board during the following meeting dates: August 15, 2022, August 29, 2022, October 17, 2022, November 7, 2022, November 21, 2022 and December 19, 2022. The Planning Board voted approval of five (5) requested waivers from their Rules and Regulations for the Subdivision of Land on October 17, 2022. The five (5) waivers and their vote can be seen further down in this decision. The Definitive Plan was approved with five (5) waivers and forty-two (40) conditions on December 19, 2022.

VOTE ON DEFINITIVE SUBDIVISION: Voted – December 19, 2022 (*subject to the general and special conditions contained herein*)

Member Fornaro **MOTION** to vote approval of the 334 King Street Definitive Subdivision (TPL #22-8) subject to the amended conditions second by Member Dunne (Vote 4:0:3)

VOTE: (Y) Mary Ann Brugnoli (A) Kenneth Blanchard (Y) Meaghan Neville Dunne (Y) Giuseppe Fornaro (Y) Bernie Campbell (A) Anthony Cavallaro (Associate Member) and (A) David Traggorth (Associate Member)

(A) = Absent or not present during the entire hearing process and therefore not eligible to vote. Associate Members do not vote on applications pursuant to Chapter 41 Section 81

PLANNING BOARD VOTES ON WAIVER REQUESTS :

Pursuant to Section VI.A of Hanover's Rules and Regulations Governing the Subdivision of Land (SRR) 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:

1) WAIVER: Section IV.A.2.E (Alignment) – APPROVED (Voted 10/17/22)

SRR: *"Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than forty (40) feet"*. The proposed subdivision road at the intersection of King Street – southerly radius is only R=25'. At northerly radius is R=40' compliant with the Subdivision Rules and Regulations.

VOTE: (Y) Maryann Brugnoli (A) Kenneth Blanchard (Y) Meaghan Neville-Dunne (Y) Bernie Campbell (Y) Giuseppe Fornaro (A) Anthony Cavallaro (Associate Member) and (A) David Traggorth (Associate Member)

2) WAIVER: Section IV.A.3.A. Width– APPROVED (Voted 10/17/22)

SRR: *“The minimum width of rights-of-ways shall be as follows: Minor Streets: fifty (50) feet”.*
The applicant proposes three (3) lots with a road layout width of 40’ feet and a pavement width of 26’ feet.

VOTE: (Y) Maryann Brugnoli (A) Kenneth Blanchard (Y) Meaghan Neville-Dunne (Y) Bernie Campbell (Y) Giuseppe Fornaro (A) Anthony Cavallaro (Associate Member) and (A) David Traggorth (Associate Member)

3) WAIVER: Section IV.A. 5. B (Dead End Street) – APPROVED (Voted 10/17/22)

SRR: *“Dead-end street shall be provided with a turn-around having an outside roadway diameter of one hundred and six (106) feet for minor streets and one hundred and ten (110) feet for major streets and with a way line diameter of one hundred and thirty (130) feet for minor streets and one hundred and forty (140) feet for major streets, unless otherwise specified by the Planning Board”.* The proposed subdivision has been designed with a one-hundred and six (106) diameter turnaround within a one hundred and ten (110) way line diameter.

VOTE: (Y) Maryann Brugnoli (A) Kenneth Blanchard (Y) Meaghan Neville-Dunne (Y) Bernie Campbell (Y) Giuseppe Fornaro (A) Anthony Cavallaro (Associate Member) and (A) David Traggorth (Associate Member)

4) WAIVER: Section IV.A.5 C & d (Eliminate landscaped island) – Approved (Voted 10/17/22)

SRR: *“(c) Turnarounds shall be provided with a central circular island of twenty-four (24) foot radius minimum. The paved roadway width around said circular islands shall be twenty-nine (29) feet for minor streets and thirty-one (31) feet for major streets. The circular island shall have granite edging and be landscaped with low lying, low maintenance shrubs and other approved plantings and/or trees. (d) The centers of the turn-around and the central circular island shall be located on the extended centerline of the dead-end way.*

The proposed subdivision has been designed with no center island the area will be paved.

VOTE: (Y) Maryann Brugnoli (A) Kenneth Blanchard (Y) Meaghan Neville-Dunne (Y) Bernie Campbell (Y) Giuseppe Fornaro (A) Anthony Cavallaro (Associate Member) and (A) David Traggorth (Associate Member)

5) WAIVER: Section V.C. 1. (Sidewalks) – APPROVED (Voted 10/17/22)

“Paved Sidewalks shall be constructed along the full length of both sides of every subdivision way” – The proposed subdivision has been designed with no sidewalks on either side of the road.

VOTE: (Y) Maryann Brugnoli (A) Kenneth Blanchard (Y) Meaghan Neville-Dunne (Y) Bernie Campbell (Y) Giuseppe Fornaro (A) Anthony Cavallaro (Associate Member) and (A) David Traggorth (Associate Member)

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 owner** shall submit to the Planning Board a certification indicating, in effect, the following:

"I (We), James Doherty, on this date, 1-31-23, do hereby certify that I (We) have completely read and do fully understand all General and Special Conditions of Planning Board Definitive Decision for 334 King Street, TPL #22-8, relative to the 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.

James Doherty 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 any Orders of Conditions that may be issued for lot and house development by the Hanover Conservation Commission.
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 each lot line 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 and/or Covenant 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. In a letter presented to the Planning Board dated August 29, 2022, the applicant, James F. Doherty, Trustee agreed in writing to remove the existing structures on the property within 60-90 days of receiving subdivision approval. At the October 17, 2022 continued public hearing, the applicant once again stated for the record his agreement to remove the existing structures in 90 days of the Planning Board Approval of the subdivision regardless of whether or not an appeal of any decision of the Planning Board is filed. The Planning Board has accepted applicant's proposal for removal as a condition of the subdivision approval.
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 improvements at entrance of proposed roadway 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. The Approved Definitive Plan labels Parcel A as "Not Buildable Lot". There shall be no future merging of Parcel A with Lot 1 as it is to remain a self-identified parcel. This condition shall run with title of both Parcel A and Lot 1 as a surviving condition.

22. The Applicant/Property Owner of the proposed subdivision shall work with the property owner at #335 King Street as to sufficient screening by means of landscaping and/or fencing to minimize and/or shield visual impacts of vehicle headlights at night exiting the new subdivision roadway. Proof of an agreement and written authorization from the property owner of #335 shall be provided to the Planning Department prior to release of any lots within the subdivision. Once installed, the applicant and/or owner of the proposed subdivision shall assume responsibility for ensuring if landscaping installed at #335 King Street that it shall survive for two annual growing seasons and thereafter it will be the property owner of #335 King Street's responsibility to maintain the landscaping.
23. At the request of the Town's Peer Reviewer, Comprehensive Environmental Incorporated (CEI), in their letter of 7/29/22 a cut/fill plan should be provided before the start of any site work by the applicant's engineer including an estimated calculation of earth material to be removed and/or brought into the site. Sheet 4 of 10 of the approved plans provides such an estimate and prior to the start of work any change to this estimate is needed it shall be provided to Planning Department along with a plan depicting the area of change.
24. The approved Definitive Plan depicts flagged wetlands (2017) on the abutting Johnson property adjacent to the northeast corner of the site. The proposed roadway appears not to be subject to Conservation Commission jurisdiction however before the start of any work on the roadway the applicant and/or general contractor shall at a minimum consult with the Conservation Department. Lots 1 & 2 may require Conservation Commission approval given the 100' buffer delineation falls on these lots. No vegetative clearing, stumping and/or grading shall be performed on these lots until the Conservation Commission Agent has authorized such work or a filing before the Commission is required by the agent.
25. 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. An initial deposit of \$6,000.00 for inspections that will be necessary during the life of the subdivision work and if needed future replenishment for the life of subdivision construction until As-Built Approval by the Planning Board in condition #11.
 - 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) and NPDES Construction General Permit – 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 and to be inspected by Planning Staff and/or their designee:

- h. Flagging that will depict the limit of tree clearing in accordance with the approved plan **before any tree or vegetation cutting can occur elsewhere on the site.**
 - i. All soil and erosion controls have been installed as required per the approved plans. This will include the orange temporary construction fencing along the bottom slope of the outside of the infiltration basin berm.
 - 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 the property line (ELJE Realty Trust #352 King St.) at the southerly side of the proposed subdivision from station 0+00 to station 2+00 to clearly delineate the mutual abutting property lines. Delineation shall remain for the duration of construction.
26. All water related work as to main and services shall be accomplished in accordance with the Water Department's comments dated 7/22/22 relative to materials, installations and water restriction bylaw relative to irrigation sprinklers. The General Contractor shall consult with the Water Department prior to the start of any work as on-site as to any necessary permits.
27. On the endorsed subdivision plans, a stop and street sign is depict within the proposed roadway layout, the location of said signs in the layout shall be approved by the Department of Public Works before installation. Within the subdivision, 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 King Street and the proposed roadway to assure a clear line of sight in both directions for vehicles entering and the subdivision. A pavement painted stop bar, in accordance with the MUTCD standards shall be provided. Location of the stop sign and stop bar shall be approved by the DPW in consultation with Hanover Police Department. The stop sign and stop bar shall be installed with the base pavement and also replaced when the final pavement top (final stop bar 12" white Thermoplastic) is completed.
28. As part of condition #25 (h), the limit of tree clearing shall be flagged prior to the start of any site work and maintained visible at all times on site to ensure no encroachment into this area with tree cutting and/or grading. For purposes of this decision, the limit of tree clearing as established prior to construction is a "no touch "area. Any need to enter into this area for grading, septic installation, retaining walls etc. shall first be presented to the Planning Staff/Planning Board for consideration as to a major or minor modification to the subdivision approval.

During Construction Phase:

29. Hours of work shall be in accordance with General Bylaws 6.30 (Noise Control Bylaw) specifically Section 6A- relative to construction hours this shall include any starting of equipment in anticipation of the workday.
30. All contractor and employee vehicles shall be parked on-site and not along the sides of King Street once the roadway has been opened. The loading and unloading of equipment in King Street shall be performed as quickly as possible and there shall be no long term (entire workday) parking of trailers on the shoulder of King Street.
31. 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 any 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. The frontage along King Street shall be inspected for any track soil deposits from the site and if necessary hand swept to address anything that has been tracked out from the site.
32. The applicant and/or their contractor shall obtain a street opening permit from the Department of Public Works, prior to the start of any site work including excavation of material in the layout of King Street. The applicant shall submit a copy of the street opening permit to the Planning Department prior to any such work starting.
33. Forty-eight (48) hour notice shall be given to the Planning Department, for staff and/or their inspector/designee to be on site during excavation of the drainage basin. The bottom of infiltration basin should be over excavated (min. 4 feet) at test pit locations within the infiltration basin. Town representative (or designated agent) should be present to observe test pits and confirm minimum 2-foot separation from groundwater to the basin's bottom elevation (78').
34. 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, the final grading plan for the lot, to the Planning Department. The Planning Department will review the lot grading plan to assure there are no substantial changes of grades that would impact the roadway drainage system and the driveway apron slopes.
35. 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.
36. Due to proximity of the proposed roadway to the abutter's property, the applicant shall have staked out the mutual property line between the Map 67 Lot 10 (ELJE Realty Trust #352 King Street) in accordance with condition #25k. Any work on the ELJE property even if temporary shall require a written agreement and if work involves permanent grading a permanent easement shall be provided to the Planning Office signed by both owners before any work can commence outside of the subdivision limits.

37. **Prior to the start of any site work**, the applicant and/or owner shall contribute \$3,600.00 to the Hanover Sidewalk Fund in lieu of the construction of sidewalks within the subdivision.
38. 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.
39. 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)**.
40. The Planning Board pursuant to Subdivision Rules and Regulations Section V – I (2) allowed the applicant to eliminate five (5) required street trees within the south side of the street layout as shown on the approved plans. The five (5) trees (or shrubbery if determined by staff) shall be planted on Parcel A and not within the layout to avoid issues with the future waterline on south side. The applicant and/or owner shall notify the Planning Department, **prior to the installation** of any street trees within the subdivision and on Parcel A. All street trees other than the five detailed above shall be planted in the roadway layout at the edge of the private lot property line.

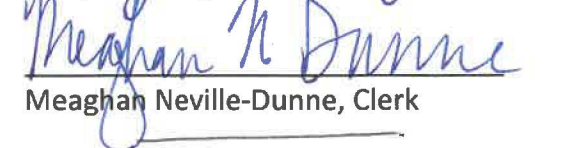
END OF CONDITIONS

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.

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



MaryAnn Brugnoli, Chair



Meaghan Neville-Dunne, Clerk



Giuseppe Fornaro, Member

Not Participating

Kenneth Blanchard, Vice-Chair



Bernie Campbell, Member

Not Participating

Anthony Cavallaro, Associate

Not Participating

David Traggoth, Associate Member

Plymouth, County

On this 29th day of December, 2022, came before me, the undersigned Hanover Planning Board, personally appeared known to me through satisfactory evidence of identity, to wit, M. Brugnoli, M. Neville-Dunne, B. Campbell and G. Fornaro, to be the person(s) whose names are signed on the attached document and who signed in my presence.



Notary Public

My commission expires:



CHRISTINE STICKNEY
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
March 3, 2023

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

 1/31/23

Town Clerk: Date:

Catherine Harder-Bernier

cc: Hanover Town Clerk
Hanover Board of Selectmen
Hanover Conservation Commission
Hanover Fire Dept. / Police Dept.

Hanover Building Inspector
Hanover Board of Health
Hanover Board of Public Works