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OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061
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FINDINGS AND DECISION

of

The Norwell Board of Appeals

File No. 19-10

A Public Hearing by the Norwell Zoning Board of Appeals (the "Board") was scheduled for October 16, 2019, continued to November 6, 2019, and closed on December 4, 2019, at the Norwell Town offices, 345 Main Street, Norwell, MA, for the Application of:

PREP Hanover Real Estate, LLC
(the "Applicant" or "PREP")
c/o 5905 E. Galbraith Road, Site 1000
Cincinnati, Ohio 45236

For **Site Plan Review** and approval under § 201-3.4 and **Special Permit** for the portion of a proposed theater located in Norwell within Business C-3 district, under § 201-8.4(A)(8) of the Norwell Zoning Bylaw ("NZBL"), and Aquifer Protection District ("APD") under § 201-19, as well as a M.G.L. C. 40A, **Section 6 Finding** under M.G.L. c. 40A for the Norwell portion of the existing roadway, known as "Hanover Mall Drive", located in the Town of Norwell fifty (50) feet from the way line of MA-Route 3, where one-hundred (100) feet of non-disturbance is required under § 201.11.2 (Route 3 buffer). The proposed project to be known as "Hanover Crossing" ("Property") is located at 1775 Washington Street, Hanover, MA, with a portion located within Business District C-3 in the Town of Norwell as shown on Norwell Assessor's Map 23A, Block 63, Lots 1 and 2, and Hanover Assessor's Map 18, Lots 4 and 7, and

recorded at the Plymouth County Registry of Deeds in Book 47735, Page 16. The existing Hanover Mall was constructed during the late 1960s into the early 1970s.

The existing Property encompasses an aging enclosed mall structure with outparcels totaling approximately 833,781 sq. ft. of commercial space with approximately 3,507 parking spaces. The Property has been in economic decline in recent years, the victim of e-commerce, changing consumer habits, and more modern competition in nearby communities, resulting in the loss of tenants. The proposed redevelopment of the Hanover Mall, to be known as "Hanover Crossing," will involve demolition and removal of a majority of the existing enclosed mall and construction of a new, mixed-use lifestyle center, consisting of approximately 506,035 sq. ft. of retail, a 92,500 sq. ft. of grocery store, and a 297-unit apartment complex with total proposed parking of approximately 3,703 parking spaces (including 3,507 constructed spaces and 196 reserve parking spaces).

The redevelopment has been designed to minimize land disturbance. Work within the Town of Norwell will involve demolition of the existing Sears building, construction of a portion of a new movie theater, removal of pavement and parking, drainage and utilities. The Norwell portion of the proposed work will occur within the existing limits of disturbance and inside the existing Hanover Mall Drive, which will result in a net reduction of impervious area in the Town of Norwell, as represented by the Applicant.

In addition to a Special Permit (movie theater use in the Business C-3 zoning district) and Site Plan Review approval, the Applicant has requested certain waivers including grading, design, and stormwater management requirements. The justifications for the requested Special Permit and Site Plan Review approvals (and referenced waivers) are addressed in a report from the Norwell Planning Board, entitled "Hanover Crossing Special Permit/Site Plan Review Report & Recommendations," dated November 21, 2019 (the "Planning Board Report"), which recommended approval of the Application with conditions. That Report is incorporated herein in its entirety by reference and appended hereto as Appendix A.

The Application and plans were date-stamped by the Board of Appeals and the Office of the Town Clerk on August 19, 2019, and August 22, 2019, respectively. Notice of the opening of the public hearing on October 16, 2019, was posted at Town Hall and duly advertised in the *Patriot Ledger* on October 1, 2019, and on October 8, 2019, and such notice was sent to abutters and others pursuant to statute. A number of extensions of time in which to file a decision have been granted in writing with the final extension to expire on January 9, 2020. The Application and plans were reviewed by the Planning Board as well as distributed to all other interested and requisite boards, committees, and offices for their review and comment.

David Kelly of Kelly Engineering Group, representing the Applicant, presented the application to the Board at the evidentiary hearing on December 4, 2019. Mr. Kelly and Ed Callahan, General Manager of Hanover Mall, responded to questions at that meeting with the Applicant and other representatives of Kelly Engineering Group also in attendance.

FILE DOCUMENTATION (includes without limitation):

1. Document packet for Hanover Planning Board, dated 5/17/19, entitled "Report to Accompany Planning Board Application for Site Plan & Special Permit", as prepared by Kelly Engineering Group of 0 Campanelli Drive, Braintree, MA 02184, consisting of:
 - a. Attachment 1 – Letter to Hanover Planning Board, dated 5/21/19
 - b. Attachment 2 – Transportation Impact Assessment Executive Summary
 - c. Attachment 3 – Conformance with DEP Stormwater Management Standards and Best Management Practices (BMP) Location Map

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- d. Attachment 4 – Application for Site Plan & Special Permit
- e. Attachment 5 – Development Impact Statement and Fiscal Impact Analysis
- f. Attachment 6 – Hanover Crossing Commercial Site Development Plans
- g. Attachment 7 – Hanover Crossing Commercial Site Landscape Plans
- h. Attachment 8 – Hanover Crossing Commercial Renderings, Materials, and Building Elevations
- i. Attachment 9 – Hanover Crossing Commercial Photometric Planning
- j. Attachment 10 – Hanover Crossing Commercial Proposed Signage
- k. Attachment 11 – Hanover Crossing Residential Site Development Plans
- l. Attachment 12 – Hanover Crossing Residential Landscape Plans
- m. Attachment 13 – Hanover Crossing Residential Architectural Plans
2. Site Plan drawings, entitled “Site Development Plans for Hanover Crossing Commercial (Norwell)” prepared by David N. Kelly, P.E., and Steven M. Horsfall, P.L.S., of Kelly Engineering Group; dated May 17, 2019, as revised through October 28, 2019, received October 30, 2019.
3. “Site Landscape Plans” prepared by Hawk Design, Inc. dated 08/14/19, received August 19, 2019, and date-stamped by Norwell Town Clerk on 8/22/19.
4. Form ZBA-1 (Application for Public Hearing), signed by Applicant and Owner PREP Hanover Real Estate, LLC; dated August 12, 2019, received August 19, 2019, and date-stamped by Norwell Town Clerk on 8/22/19.
5. Form ZBA-1A (Application for Site Plan Review) with the below attachments, received August 19, 2019, and date-stamped by Norwell Town Clerk on 8/22/19.
 - a. Form ZBA-2 (Public Notice Authorization), signed by Brandon Li, P.E., of Kelly Engineering Group; dated August 13, 2019.
 - b. Exhibit G (Board of Appeals Schedule of Fees).
 - c. Site Plan Review filing fee in the form of check #002252, for \$1,500.00 from Applicant and Owner PREP Hanover Real Estate, LLC; dated 08/13/19, received August 19, 2019.
 - d. Special Permit fee in the form of check #002251, for \$500.00 from Applicant and Owner PREP Hanover Real Estate, LLC; dated 08/13/19, received August 19, 2019.
 - e. Engineering Review Fee Deposit in the form of check #2339, for \$5,000.00 from Applicant and Owner PREP Hanover Real Estate, LLC; dated September 5, 2019, received September 6, 2019.
 - f. Quitclaim Deed from Previous Owner 1775 Washington Street Holdings, LLC to Current Owner PREP Hanover Real Estate, LLC; dated October 21, 2016, recorded at the Plymouth County Registry of Deeds in Book 47735, Page 16, on November 14, 2016.
 - g. Norwell – Assessor’s Certified List of Abutters, signed by David N. Kelly, P.E., of Kelly Engineering Group; dated January 3, 2019; approved by Town Assessor-Appraiser; dated January 7, 2019, received August 19, 2019.
 - h. Hanover – Assessor’s Certified List of Abutters, received August 19, 2019.
6. Project Narrative with Letter of Waiver Requests signed by Brandon Li, P.E., of Kelly Engineering Group; dated August 14, 2019, received August 19, 2019.
7. Stormwater Management Report, prepared by David N. Kelly, P.E., of Kelly Engineering Group; dated May 17, 2019, received August 19, 2019.
 - a. Attachment A – Existing Conditions Analysis:
 - 1) Exhibit 1 – Existing Drainage #1;
 - 2) Exhibit 2 – Existing Drainage #2;
 - 3) Runoff Curve Number & Runoff; and,
 - 4) Hydraflow Hydrographs Model.
 - b. Attachment B – Proposed Conditions Analysis:
 - 1) Exhibit 1 – Existing Drainage #1;
 - 2) Exhibit 2 – Existing Drainage #2;
 - 3) Runoff Curve Number & Runoff; and,
 - 4) Hydraflow Hydrographs Model.
 - c. Attachment C – Best Management Practices:
 - 1) Required Dedicated Recharge Volume Calculations;
 - 2) Provided Recharge Volume & Drain Down Time Table;
 - 3) Residential Recharge Calculations;
 - 4) Residential Drawdown Calculations;

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- 5) TSS Removal Calculations Worksheets;
 - 6) Contech CDS Estimated Net Annual Solids Load Reduction;
 - 7) Contech Water Quality Flow Rate Calculations;
 - 8) Residential – MassDEP Standard Method to Convert Required WQV to a Discharge Rate;
 - 9) Stormwater Maintenance System Operation and Maintenance Plan & Long-Term Pollution Prevention Plan, dated May 17, 2019, as revised through July 17, 2019.
 - 10) O&M Log; and,
 - 11) BMP location Map.
- d. Attachment D – Miscellaneous:
- 1) NOAA Atlas 14 Point Precipitation Frequency Estimates;
 - 2) Intensity Duration Frequency Curve for Boston, MA;
 - 3) Required Recharge Volume;
 - 4) Infiltration Rates;
 - 5) MASTEP Technology Review CDS & VortSentry HS;
 - 6) NRCS Soil Survey Map; and,
 - 7) USGS Location Map.
8. Architectural Renderings, prepared by Richard L. Bowen & Associates, Inc.; dated August 8, 2019, received August 19, 2019.
 9. “Photometric Plan” by Boston Light Source dated 05/17/19 and Lighting Detail & Specifications; received August 19, 2019.
 10. Transportation Impact Assessment Executive Summary, prepared by Jeffrey S. Dirk, P.E., of Vanasse & Associates; dated May, 2019.
 11. Engineering Peer Review – Site Plan Review, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated and received September 17, 2019.
 12. Engineering Response to September 17, 2019, CCS Review – Site Plan Review, prepared by Brandon Li, P.E., of Kelly Engineering Group; dated September 30, 2019, received October 1, 2019.
 13. Response to Peer Review Letter, prepared by Brandon Li, P.E., of Kelly Engineering Group; dated September 20, 2019, received October 1, 2019
 14. Supplemental Drainage Calculations, prepared by Kelly Engineering Group; dated September 30, 2019, received October 1, 2019.
 15. Building and Parking Summary received October 1, 2019.
 16. Engineering Peer Review – Supplemental Site Plan Review, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated and received October 16, 2019.
 17. Engineering Response to October 16, 2019 CCS Review – Site Plan Review, prepared by Brandon Li, P.E., of Kelly Engineering Group; dated October 28, 2019, received October 30, 2019.
 18. Response to Peer Review Letter Supplemental Partial Review, prepared by Brandon Li, P.E., of Kelly Engineering Group; dated October 28, 2019, received October 30, 2019
 19. Letter of Map Amendment, (LOMA), issued by the Federal Emergency Management Agency (FEMA); dated July 19, 2012, received October 30, 2019.
 20. Geotech Test Pit Data latest dated October 28, 2019, received October 30, 2019.
 21. Hydraulic Calculations, prepared by Kelly Engineering Group; dated October 28, 2019, received October 30, 2019.
 22. Supplemental Drainage Calculations #2, prepared by Kelly Engineering Group; dated October 28, 2019, received October 30, 2019.
 23. Engineering Peer Review – Supplemental Site Plan Review, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated and received November 18, 2019.
 24. Norwell Planning Board Report & Recommendations, dated November 21, 2019.
 25. Nowell Conservation Commission Order of Conditions, dated December 4, 2019. [N.B. As filed with the Massachusetts Department of Environmental Protection on or about December 5, 2019.]
 26. Extensions received:
 - a. Dated 11/15/19 from Project Engineer Brandon Li to 12/4/19
 - b. Dated 11/15/19 revised from Project Engineer Brandon Li to 12/18/19
 - c. Dated 12/6/19 from Frank A. Marinelli, Esq. to 12/30/19
 - d. Dated 12/24/19 from Frank A. Marinelli, Esq. to 1/9/20

FINDINGS OF THE BOARD: Based upon the application submitted by the Applicant, including the plans, documents, evidence, and testimony presented, the Board makes the following findings:

GENERAL SITE DEVELOPMENT FINDINGS:

1. The Hanover Mall Property is approximately 106.4 acres of land. The portion located in Norwell consists of approximately 22.14 acres or 20.8% of the Property, of which approximately 8.9 acres is upland. The Norwell portion is shown on Assessors Map 23A, Block 63, Lots 1-2 (the "Norwell Property") located in the Business C-3 Zoning District and Aquifer Protection District.
2. The Norwell Property of Hanover Mall includes a small portion of the existing Sears building (approximately 876 sq. ft.) and approximately 63 parking spaces, which will be removed.
3. The Sears building will be demolished as part of the Hanover Crossing redevelopment. A portion of the new movie theater (approximately 1,989 sq. ft.), which is part of the Hanover Crossing redevelopment, will be located upon the Norwell Property.
4. With the Hanover Crossing redevelopment, ground coverage by building and pavement in Norwell will decrease by approximately forty-five (45%) percent, from approximately 58,316 sq. ft. to approximately 31,712 sq. ft.
5. The Norwell Planning Board reviewed the proposed plans for Site Plan Review and submitted its recommendations to the Norwell Board of Appeals in its report, dated November 21, 2019, in accordance with NZBL § 201-3.4 C.1, Procedure.
6. In Norwell's Business C-3 Zoning District, "theaters contained in a permanent structure..." are a use allowed by special permit from the Board of Appeals under NZBL § 201-8.4(A)(8).

SPECIAL PERMIT FINDINGS: The Board of Appeals may grant a Special Permit under NZBL § 201-3.3B, if all of the following conditions are satisfied:

- (1) *The conduct of the proposed use will not be detrimental to the neighborhood and zoning district;*

Finding: The Board finds that "theaters contained in a permanent structure..." is a use allowed by special permit from the Board of Appeals under NZBL § 201-8.4(A)(8). As the proposed movie theater will replace an existing movie theater and is a use consistent with the Business C-3 zoning district and the abutting Hanover Planned Shopping Center Zoning District, the Board, therefore, finds the proposed use will not be detrimental to the neighborhood and zoning district.

- (2) *The conduct of the proposed use will not significantly alter the character of the zoning district; and*

Finding: The Board finds the proposed movie theater building will replace an existing building with similar use that will be demolished. A new movie theater will be constructed in a more northerly location on the Property in accordance with the submitted plan. Therefore, the Board finds the proposed use will not significantly alter the character of the zoning district.

- (3) *The conduct of the proposed use will not be injurious, noxious, or offensive to the neighborhood by reason of the emission of odors, fumes, dust, smoke, noise or other cause, nor hazardous to the community on account of fire, explosion or other cause.*

Finding: The proposed theater will replace an existing building used as a movie theater, an allowed use by special permit. Therefore, the Board finds the proposed use will not be more injurious or hazardous to the community than the existing theater.

If the proposed use will be located within the Aquifer Protection District, the conduct of such use will not cause any significant degradation of the quantity or quality of groundwater supplies and further that groundwater quality resulting from on-site waste disposal and other on-site operations will not fall below federal or state standards for drinking water at the downgradient property boundary. In making such determination the Board of Appeals may utilize the information/standards enumerated in § 201-19.6B(4) of this bylaw.

Finding: The Board of Appeals received an email from the Norwell Town Planner that the Water Department expressed no concern with the proposed project, as all services and lines will be located in Hanover with no roadway work proposed in Norwell.

SITE PLAN REVIEW FINDINGS: In accordance with NZBL § 201-3.4 D. Criteria for Approval, . . . the Board of Appeals shall assure, to a degree consistent with a reasonable use of the site for the purposes permitted by the regulations for the district in which it is located, such factors as the following:

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- (1) *The protection of the district in which the site is located and adjoining district against detrimental, offensive, or incompatible uses or structures on the site;*

Finding: The proposed uses for the new Hanover Crossing project include business and commercial activities similar in nature to those of the existing Hanover Mall and are permitted by the district regulations. Therefore, the Norwell Board of Appeals adopts the Norwell Planning Board findings that the proposed project will not be detrimental, offensive, or incompatible with uses that meet regulations for uses allowed within Business District C. Further, it should be noted that the Hanover land-use authorities have permitted mixed-use site development with a proposed 297-unit apartment complex that will be located exclusively in the Hanover portion of the project.

- (2) *The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and land; and*

Finding: Based upon the site plan application and evidence submitted, including the “Traffic Impact Assessment Executive Summary” by Jeffrey Dirk, P.E., Vanasse & Associates (See “File Documentation” No. 10 above), the Norwell Planning Board found in its review that the proposed project demonstrates convenience and safety of vehicular and pedestrian movement within the Norwell portion of the site and in relation to adjacent streets and land. However, during the evidentiary public hearing on 12/4/19, all three ZBA panel members expressed concern about the proposed project’s off-site traffic entering Norwell, especially toward South Street. The Applicant stated that the impact, if any, is reflected in the TIA.

- (3) *The adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses permitted on the site, and the methods of drainage for surface water from its parking spaces and driveways.*

Finding: The Planning Board found in its review that the proposed project demonstrates adequacy of the methods of disposal for sewage, refuse and other wastes resulting from a movie theater with adequate methods of drainage for surface water from parking spaces and driveways. The proposed redevelopment will construct a new wastewater treatment plant (“WWTP”) for sewage disposal. Stormwater impervious surface at the Norwell Property is reduced by approximately 45% as compared to existing condition(s) at the Norwell Property (portion of Sears building and removal of over sixty (60) paved parking spaces). The Norwell Board of Appeals adopts this Norwell Planning Board finding relating to adequacy of the methods of disposal for sewage, refuse, and other wastes, and methods of drainage for surface water from parking spaces and driveways.

OTHER AUTHORITIES:

7. **Order of Conditions:** The Norwell Conservation Commission (the “Commission”), pursuant to the Massachusetts Wetlands Protection Act and the Town of Norwell Wetlands Bylaw, issued its Order of Conditions SE52-1176 and NCC 31(19), dated December 4, 2019, as filed with the Massachusetts Department of Environmental Protection (DEP) on or about December 5, 2019.
8. **Norwell Planning Board Recommendations:** The Norwell Board of Appeals received the comments and recommended conditions of the Norwell Planning Board, included in its report dated November 20, 2019, as required under § 201-3.4 Site plan review. C. Procedure (1). Those recommendations and proposed conditions have been adopted and are incorporated into and made a part of this decision, as referenced in Appendix A, and specifically delineated in the Special Conditions section of this decision.

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DECISION OF THE BOARD:

On December 4, 2019, based upon evidence received into the public record and presented during the public hearing, as delineated in the Board of Appeals' findings above; and the written recommendations of the Norwell Planning Board, dated November 21, 2019, and adopted in whole; and with all incorporated by reference herein, upon a motion duly made and seconded, Members Brown, Rivkind, and Barbour **VOTED** unanimously to grant **Site Plan Review** approval under NZBL § 201-3.4 and **Special Permit** under NZBL § 201-3.3 and **Aquifer Protection District** under NZBL § 201-8.4(A). In addition, the Board determined that a **Section 6 Finding** relating to the existing Hanover Mall Drive is not required, as the proposed redevelopment will not affect the existing layout that is located fifty (50) feet from the way line of MA-Route 3 where a one-hundred (100) foot buffer is required under NZBL § 201-11.2 (Route 3 buffer). Further, this decision is subject to the following "Special Conditions" and "Conditions Applying to All Decisions":

SPECIAL CONDITIONS:

1. ***FINAL PLAN TO BE FILED WITH THIS DECISION:*** A revised drawing shall be prepared for review and filing as part of this decision to incorporate the following in accordance with the Planning Board's recommendations in its report, dated 11/20/19, and any other condition that may affect the creation of this final plan:
 - a. **Off-Street Parking – Size of Spaces § 201-12.4:** Based upon Norwell Planning Board recommendations, dated 11/20/19, the Board of Appeals hereby grants a special permit under § 201-12.3 to reduce the size of parking spaces from the required 9' x 20' under § 201-12.4 to 9' x 18'.
 - b. **Parking area design and location – Grading and Drainage § 201-12.7 – I:** Based upon the Norwell Planning Board recommendations, dated 11/20/19, the Board of Appeals grants the use of NOAA Atlas 14 Volume 10 in designing the stormwater management system drainage depths in lieu of the required Cornell Standard.
 - c. **MassDEP Handbook Volume 1 and Volume 2 Chapter 1:** The Applicant shall provide a more detailed report consistent with the requirements of MassDEP Handbook Volume 1 and Volume 2 Chapter 1 to be submitted to the Board. The plan revision to be included with the report shall delineate the location of stormwater and sanitary waste lines as identified in the MassDEP Handbook.
 - d. **LUHPPL:** The Applicant shall provide evidence that a shut-off device has been added to the outlets or on the pipe to comply with requirements for Land Uses with Higher Potential Pollutant Loads, (LUHPPL).
 - e. **Impervious Areas:** The Plans shall be revised to reflect the impervious areas tributary to catch basins E2A, F6A, and F6B shall be no more than ¼ acre.
 - f. **Stormwater Standard 4:** The Applicant shall demonstrate that the proposed Norwell portion of the project meets the Norwell Planning Board and the Norwell Conservation Commission requirements relating to Stormwater Standard 4; runoff shall be treated to remove total suspended solids (TSS) to at least 80% removal. As the site is in a critical area to a cold-water fishery and adjacent to the Town of Norwell public wellfields, the Applicant shall demonstrate the net TSS removal at each outlet based on the tributary flow to each system meets Stormwater Standard 4. The Conservation Commission is requiring cost data to justify the claim, however that does not change the wording of this condition.
 - g. **Outlets:** Prior to final approval, the 12-inch pipe from DMH F3 to DMH F2 shall be set higher at the outlet end, as the final pipe has a negative pitch and there would be ponded water in the manhole. As designed the outlet matches inverts with the larger outlet pipe, not crowns as typical practice. This pipe has a proposed pitch of over 7% and could include a lesser slope without impacting the overall design.
 - h. **Prior to the start of construction,** specific details on CDS units and Cultec chambers

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which include full dimensions, elevations, inverts, etc. shall be provided.

2. **Route 3 Buffer Zone - § 201-11.2:** Based upon the Norwell Planning Board's comment relating to the pre-existing nonconformity of Hanover Mall Drive, which is located 50' from Route 3, where 100' is required and the Applicant's representation at the public hearing that the footprint of the roadway known as "Hanover Mall Drive" will remain unchanged, the Board of Appeals made a determination that no finding is, therefore, required and the roadway may continue to exist as currently laid out in Norwell.
3. **Post-Decision Project Escrow Account:** In accordance with the Board's Rules in Article H (Projects Subject to Site Plan Requirements) under Sections 2 (Technical Review) and 3 (Performance Guarantees, As-Built Plans, Certificates of Occupancy), the Applicant shall provide escrow deposit, payable to the Town of Norwell, to meet the Scope of Services contract for the Town's consultant.
4. **Property Development:** The proposed project shall be developed in accordance with the approved plans. However, such plans are subject to review by the Board's consultant for compliance with this decision and all conditions contained herein. **Note:** A copy of the complete set of the Plans, endorsed by the Board for identification, shall be filed with the Town Clerk with this Decision or within fifteen (15) days thereafter, as provided in § 201-3.4 E. of the Norwell Zoning Bylaw.
5. **Prior to issuance of a building permit,** based upon the Norwell Planning Board's recommendations relating to the *Rules and Regulations of the Board of Appeals*, the Applicant shall under:
 - a. **ZRR Art. I §2(e) Documentation & Plans – Soil Evaluations, Percolation & Permeability Tests:** Applicant requests a total waiver to not perform evaluations and tests (proposed) instead of performing said tests (required). The geotechnical data provided is inconsistent with MassDEP requirements. Consistent with the Conservation Commission conditions, soil suitability and groundwater shall be determined by a Licensed Soil Evaluator prior to construction and witnessed by an Agent of the Town of Norwell or Hanover.
 - b. **ZRR Art. I §5(b) General – Stormwater Management Criteria:** Applicant requests a partial waiver to provide stormwater management criteria compliant with NZB §3159(b) (proposed) instead of Art. 5 §5(b) (required). The Planning Board recommends, and the Board finds, this waiver can be granted without derogating these Regulations.
 - c. **ZRR Art. I §7 Construction / Sedimentation & Erosion Control Plan:** Applicant requests a partial waiver to allow the Demolition Plan to contain all erosion control measures (proposed) instead of standalone Plans (required). Applicant shall submit a draft copy of the SWPPP to the Planning Board and its Engineer for review and commentary at least two (2) months prior to the start of work. Once the Planning Board's Engineer is satisfied with the contents of the draft SWPPP, the Applicant shall submit the SWPPP to EPA for approval.
 - d. **ZRR Art. I §10 Minimum Design Requirements – Drainage Pipes:** Applicant requests partial waiver to allow existing drainage inlets to remain (proposed) instead of installing new pipes (required). The Planning Board recommends, and the Board finds, this waiver can be granted without derogating these Regulations. The Board notes this waiver was granted as the inlet pipe's slope is irregularly designed with a negative pitch, i.e., the pipe slopes backwards, and the waiver, along with proposed design, takes this irregular design into account.
6. **Prior to issuance of a building permit,** the Applicant shall provide evidence that all conditions required by the Norwell Conservation Commission under its Order of Conditions or any modification thereto relating to soil suitability and groundwater, including but not limited to any testing or evaluation by a Licensed Soil Evaluator be completed prior to construction and witnessed by an Agent of the Town of Norwell or Hanover.

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7. **Prior to the start of construction**, a full-sized Final BMP Plan showing the location of all BMPs, catch basins, and outlets included with a separately bound O&M Plan shall be provided to the Planning Board and Highway Department.

CONDITIONS APPLYING TO ALL DECISIONS

Prior to issuance of a Building Permit:

8. **RECORDING OF THE DECISION:** A certified copy of this Decision with all documents referenced below shall be filed with the Registrar of Deeds or Recorder of the Land Court, as appropriate. The applicant shall return a copy of the recording fee receipt to the Board of Appeals for its files.
9. **EFFECTIVE DATE OF APPROVAL:** The zoning approvals granted by the Board of Appeals shall take effect only at such time as this Decision is filed with the Office of the Town Clerk of the Town of Norwell, and recorded with the Registrar of Deeds or Recorder of the Land Court. **NOTE: Evidence of recording of the Board's Decision and documents specified in Paragraph 2 of the above File Documentation and any revisions required to comply with conditions contained within this decision shall be provided to the Board of Appeals, as well as the Building Inspector, prior to issuance of any building permit.**
10. **LAPSE OF SITE PLAN APPROVAL:** The applicant shall complete any work described in the site plan approved by the Board of Appeals within one year of the date this Decision is filed with the Office of the Town Clerk or approval granted herein shall lapse.
11. **LAPSE OF SPECIAL PERMIT:** The applicant must exercise any Special Permit granted by the Board of Appeals within two years of the date this Decision is filed with the Office of the Town Clerk or it shall lapse.
12. **EXTENSION OF APPROVALS:** The Board of Appeals may grant an extension of such time as it may deem necessary to carry the approved site plan into effect. However, the applicant must file an application for any such extension prior to expiration or a new Site Plan, Special Permit, and/or Variance application shall be required. Any such extension(s) shall be certified by the Board of Appeals to the Town Clerk and shall include the date on which any such extension is to lapse.

During Construction:

13. **CONSTRUCTION MONITORING;** This project is subject to the construction monitoring and escrow requirements contained in Article 8.2.C. of the Rules and Regulations of the Board of Appeals, amended 4/30/14, subject to any modifications as may be adopted from time to time.

Prior to issuance of an Occupancy Permit:

14. **CERTIFICATES OF OCCUPANCY:** No certificate of occupancy shall be issued until such time as all conditions of this Board's decision are met.
15. **DESIGN ENGINEER CERTIFICATION:** Prior to the issuance of any occupancy permit, the Applicant's registered professional engineer, landscape architect, and such other professionals that prepared the approved plans, shall certify to the Board or its agent that the location and elevation of all underground utilities, including drainage, water and sewer, and landscaping plan substantially conform to the plans approved by the Board of Appeals and reviewed by its consulting engineer.
16. **AS-BUILT PLANS:** Prior to issuance of a Certificate of Occupancy, the property owner or Applicant shall provide *As-built* plans, signed and stamped by a registered professional engineer, landscape architect, and/or professional land surveyor, as appropriate, in accordance with § 201-3.4 F – Site Plan Review of the Norwell Zoning Bylaw. These plans shall show:
 - a. Pavement locations, building locations, lot lines, driveway locations, all utilities above and below ground such as water, gas, electric, septic, telecommunication, utility poles, manholes with rim elevations and inverts, catch basin rims and inverts, other drainage with pipe size and invert.
 - b. All utility easements; ties from building foundations to utility services.

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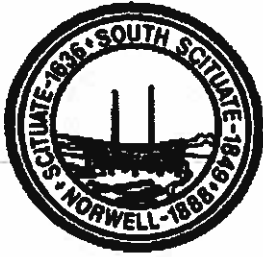
- c. Final site grading including all drainage structures and lot grading to demonstrate conformance to the approved drainage design, with a certification as to final grading that is.
17. **PEER REVIEW:** Further, the project design shall be checked against the filed *As Built* plans and reviewed by the Town's consulting engineer at the sole expense of the Applicant for compliance with the project plans as approved by the Board of Appeals and detailed in this decision or any modifications thereto, **prior to issuance of any Certificate of Occupancy.**

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Office of Planning Board

TOWN OF NORWELL – COUNTY OF PLYMOUTH

Planning Department

Norwell Town Offices, Room 112

345 Main Street

Norwell, Massachusetts 02061

Phone: (781) 659-8021

Fax: (781) 659-7795

www.townofnorwell.net

*Brendan Sullivan, Chair
Jamie Crystal-Lowry, Vice-Chair
Scott Fitzgerald, Clerk
Brian Greenberg, Alt. Clerk
Patrick Campbell, Member*

Kenneth Kirkland, Town Planner

FORM H

**“HANOVER CROSSING”
SPECIAL PERMIT / SITE PLAN REVIEW
REPORT & RECOMMENDATIONS**

To: Board of Appeals
From: Town Planner / Planning Director
Date: November 21, 2019
RE: South & Mill Streets – Assessors Map 23A, Block 63, Lots 1-2
“Hanover Crossing” – Special Permit / Site Plan Review

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Pursuant to NTC §201-3.4(C)(1), the Planning Board is providing a Report & Recommendations to the Board of Appeals regarding the following Application for Special Permit / Site Plan Approval:

Name of Applicant: PREP Hanover Real Estate, LLC
c/o 5905 E. Galbraith Road, Suite 1000
Cincinnati, OH 45236
(513) 746-2593
Lloyd.Sova@preppg.com

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Name of Owner: PREP Hanover Real Estate, LLC
1790 Bonanza Dr. Suite 201
Salt Lake City, UT 84060

Title of Plan: **“Site Development Plans – Hanover Crossing (Norwell)”** dated May 17, 2019, as revised through October 28, 2019, received October 28, 2019, prepared by David N. Kelly, P.E., and Steven M. Horsfall, P.L.S., of Kelly Engineering Group (“the Plan” – consisting of fourteen (14) sheets).

Location: South & Mill Streets
Assessors Map 23A, Block 63, Lots 1-2

Surveyor: Steven M. Horsfall, P.L.S., #41608

Engineer: David N. Kelly, P.E., #37942

Date of Plan: May 17, 2019, as revised through October 28, 2019, received October 30, 2019.

Plan Details: The Plan depicts the demolition of the existing Hanover Mall and construction of a mixed-use development called Hanover Crossing. Similar to the existing conditions, a portion of the proposed cinema is to be located in the Town of Norwell.

Date of Submission: August 19, 2019 (Date of TC Date Stamp)
September 25, 2019 (Date of PB Meeting)

Deadline for Final Action:

Based upon the date of submission (August 19, 2019) and pursuant to NTC §201-57(C), the deadline for final action is October 4, 2019. This deadline was extended, at the Applicant's written request and with the Board's assent, through and including December 18, 2019.

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SUMMARY OF PLANNING BOARD ACTION:

The Planning Board recommends that the Board of Appeals **APPROVE** the Application for the following reasons:

Documents Submitted for This Application:

The record for this decision is composed of the following materials:

1. Site Plan entitled "Site Development Plans – Hanover Crossing (Norwell)" prepared by David N. Kelly, P.E., and Steven M. Horsfall, P.L.S., of Kelly Engineering Group; dated May 17, 2019, as revised through October 28, 2019, received October 30, 2019.
2. Form ZBA-1 (Application for Public Hearing), signed by Applicant and Owner PREP Hanover Real Estate, LLC; dated August 12, 2019, received September 6, 2019.
3. Form ZBA-1A (Application for Site Plan Review), received September 6, 2019.
 - a. Form ZBA-2 (Public Notice Authorization), signed by Brandon Li, P.E., of Kelly Engineering Group; dated August 13, 2019, received August 19, 2019.
 - b. Exhibit G (Board of Appeals Schedule of Fees), received August 19, 2019.
 - c. Engineering Review Fee Deposit in the form of check #2339, for \$5,000.00 from Applicant and Owner PREP Hanover Real Estate, LLC; dated September 5, 2019, received September 6, 2019.
 - d. Quitclaim Deed from Previous Owner 1775 Washington Street Holdings, LLC to Current Owner PREP Hanover Real Estate, LLC; dated October 21, 2016, recorded at the Plymouth County Registry of Deeds in Book 47735, Page 16, on November 14, 2016.
 - e. Norwell – Assessor's Certified List of Abutters, signed by David N. Kelly, P.E., of Kelly Engineering Group; dated January 1, 2019; approved by Town Assessor-Appraiser; dated January 7, 2019, received August 19, 2019.
 - f. Hanover – Assessor's Certified List of Abutters, received August 19, 2019.
4. Project Narrative with Letter of Waiver Requests signed by Brandon Li, P.E., of Kelly Engineering Group; dated August 14, 2019, received August 19, 2019.
5. Stormwater Management Report, prepared by David N. Kelly, P.E., of Kelly Engineering Group; dated May 17, 2019, received August 19, 2019.
 - a. Attachment A – Existing Conditions Analysis:
 - 1) Exhibit 1 – Existing Drainage #1;
 - 2) Exhibit 2 – Existing Drainage #2;
 - 3) Runoff Curve Number & Runoff; and,

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- 4) Hydraflow Hydrographs Model.
- b. Attachment B – Proposed Conditions Analysis:
 - 1) Exhibit 1 – Existing Drainage #1;
 - 2) Exhibit 2 – Existing Drainage #2;
 - 3) Runoff Curve Number & Runoff; and,
 - 4) Hydraflow Hydrographs Model.
- c. Attachment C – Best Management Practices:
 - 1) Required Dedicated Recharge Volume Calculations;
 - 2) Provided Recharge Volume & Drain Down Time Table;
 - 3) Residential Recharge Calculations;
 - 4) Residential Drawdown Calculations;
 - 5) TSS Removal Calculations Worksheets;
 - 6) Contech CDS Estimated Net Annual Solids Load Reduction;
 - 7) Contech Water Quality Flow Rate Calculations;
 - 8) Residential – MassDEP Standard Method to Convert Required WQV to a Discharge Rate;
 - 9) Stormwater Maintenance System Operation and Maintenance Plan & Long-Term Pollution Prevention Plan, dated May 17, 2019, as revised through July 17, 2019.
 - 10) O&M Log; and,
 - 11) BMP location Map.
- d. Attachment D – Miscellaneous:
 - 1) NOAA Atlas 14 Point Precipitation Frequency Estimates;
 - 2) Intensity Duration Frequency Curve for Boston, MA;
 - 3) Required Recharge Volume;
 - 4) Infiltration Rates;
 - 5) MASTEP Technology Review CDS & VortSentry HS;
 - 6) NRCS Soil Survey Map; and,
 - 7) USGS Location Map.
6. Architectural Renderings, prepared by Richard L. Bowen & Associates, Inc.; dated August 8, 2019, received August 19, 2019.
7. Lighting Detail & Specifications; received August 19, 2019.
8. Transportation Impact Assessment, prepared by Jeffrey S. Dirk, P.E., of Vanasse & Associates; dated May, 2019.
 - a. Transportation Impact Assessment – Executive Summary, prepared by Jeffrey S. Dirk, P.E., of Vanasse & Associates; dated May, 2019.
9. Engineering Review – Site Plan Review, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated and received September 17, 2019.
10. Engineering Response to September 17, 2019 CCS Review – Site Plan Review, prepared by Brandon Li, P.E., of Kelly Engineering Group; dated September 30, 2019, received October 1, 2019.
11. Supplemental Drainage Calculations, prepared by Kelly Engineering Group; dated September 30, 2019, received October 1, 2019.
12. Engineering Review – Site Plan Review, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated and received October 16, 2019.
13. Engineering Response to October 16, 2019 CCS Review – Site Plan Review, prepared by Brandon Li, P.E., of Kelly Engineering Group; dated October 28, 2019, received October 30, 2019.
14. Letter of Map Amendment, (LOMA), issued by the Federal Emergency Management Agency (FEMA); dated July 19, 2012, received October 30, 2019.

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15. Exploration Location Plan, prepared by McArdle Gannon Associates, Inc.; dated February 2019, received October 30, 2019.
16. Hydraulic Calculations, prepared by Kelly Engineering Group; dated October 28, 2019, received October 30, 2019.
17. Supplemental Drainage Calculations #2, prepared by Kelly Engineering Group; dated October 28, 2019, received October 30, 2019.
18. Engineering Review – Site Plan Review, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated and received November 18, 2019.

Engineering Review

Pursuant to §201-3.4(C) of the Norwell Town Code, these plans and submitted documents were distributed for review to the Planning Board's Engineer Chessia Consulting Services. Responses is as follows:

Chessia Consulting Services: – Mr. John C. Chessia, P.E., of Chessia Consulting Services responded in writing on November 18, 2019. Chessia Consulting Services comments follow indicated "Summary of Major Issues" that are listed below in bold and Staff responses are *italicized*:

- **1. Documentation of Maximum Feasible Compliance with MassDEP Stormwater Regulations.**
The Applicant should provide greater documentation as to how they are meeting MassDEP Stormwater Regulations to the maximum feasible extent. The Planning Board is aware that the Conservation Commission may require alternative analyses and/or cost data to justify the Applicant's cost-prohibitive claim for greater compliance. The Planning Board wishes to have its recommendations consistent with those of the Conservation Commission in this matter.
- **2. Stormwater Pollution Prevention Plan (SWPPP)**
The Applicant shall a draft copy of the SWPPP to the Board of Appeals and its Engineer for review and commentary at least two (2) months prior to the start of work. Once the Board of Appeals' Engineer is satisfied with the contents of the draft SWPPP, the Applicant shall submit the SWPPP to EPA for approval.

Waivers

Pursuant to §302-6.3(C) of the Norwell Town Code, the Applicant has requested the following waivers in a Project Narrative dated August 14, 2019:

- NZB §3130 Off-Street Parking – Size of Spaces
 Applicant requests a partial waiver to have a 9' x 18' parking space (proposed) instead of 9' x 20' (required).
Staff Response: The proposed parking space dimensions are compliant with current parking space dimensions for the proposed parking style (90° perpendicular).
Staff recommends this waiver can be granted without derogating these Regulations.
- NZB §2444 Route 3 Buffer Zone
 Applicant requests partial waiver to retain the pre-existing nonconformity of Hanover Mall Drive, which is 50' from Route 3, (proposed) where 100' is to be undisturbed (required).
Staff Response: Hanover Mall Drive pre-dates the Route 3 Buffer Zone of non-disturbance. The Hanover Mall Drive is to remain, and there is no proposal to realign, reconfigure, or work in the existing perimeter roadway sections in Norwell.
Staff recommends this waiver can be granted without derogating these Regulations.

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 ENGINEER

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- **NZB §3158(b) Grading & Drainage**
 Applicant requests partial waiver to use NOAA Atlas 14 Volume 10 (proposed) in designing the stormwater management system drainage depths instead of the Cornell Standard (required).
Staff recommends this waiver can be granted without derogating these Regulations.
- **ZRR Art. I §2(e) Documentation & Plans – Soil Evaluations, Percolation & Permeability Tests**
 Applicant requests total waiver to not perform evaluations and tests (proposed) instead of performing said tests (required).
Staff Response: The Planning Board notes that geotechnical data has been provided and while the data is useful, it is inconsistent with MassDEP requirements. The Planning Board is aware that the Conservation Commission could include a condition that soil suitability and groundwater be determined by a Licensed Soil Evaluator prior to construction and witnessed by an Agent of the Town of Norwell or Hanover. It is the understanding that the Applicant is amenable to this condition, and the Planning Board wishes to have its recommendations consistent with those of the Conservation Commission in this matter.
- **ZRR Art. I §5(b) General – Stormwater Management Criteria**
 Applicant requests partial waiver to provide stormwater management criteria compliant with NZB §3159(b) (proposed) instead of Art. 5 §5(b) (required).
Staff recommends this waiver can be granted without derogating these Regulations.
- **ZRR Art. I §7 Construction / Sedimentation & Erosion Control Plan**
 Applicant requests partial waiver to allow the Demolition Plan to contain all erosion control measures (proposed) instead of standalone Plans (required).
Staff Response: Staff recommends NOT granting this waiver. The Applicant shall a draft copy of the SWPPP to the Board of Appeals and its Engineer for review and commentary at least two (2) months prior to the start of work. Once the Board of Appeals' Engineer is satisfied with the contents of the draft SWPPP, the Applicant shall submit the SWPPP to EPA for approval.
- **ZRR Art. I §10 Minimum Design Requirements – Drainage Pipes**
 Applicant requests partial waiver to allow existing drainage inlets to remain (proposed) instead of installing new pipes (required).
Staff recommends this waiver can be granted without derogating these Regulations. Staff notes this waiver was granted as the inlet pipe's slope is irregularly designed with a negative pitch, i.e., the pipe slopes backwards, and the waiver, along with proposed design, takes this irregular design into account.

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Findings of Fact:

The Planning Board made the following Findings of Fact:

Best Planning Principles & Practices

1. **Commonwealth Sustainable Development Principles**

(a) **Concentrate Development and Mix Uses**

Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.

Staff notes that the proposal, on a whole, is a remediation and reuse of existing sites, structures, and infrastructure, i.e., a redevelopment, of the existing Hanover Mall site. The site is also within a special planned district in Hanover titled the "Planned Shopping Center District, (PSCD)" which was developed specifically to address the fluid characteristics of an existing large-scale retail mall site. While only a small portion is located within the Town of Norwell and no significant changes are proposed for the Norwell portion of land, redevelopment of an existing site is always preferable to development of untouched property.

(f) Expand Housing Opportunities

Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels, and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and smaller single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.

The proposal includes a residential component which will locate housing within the proposed mixed-use "lifestyle center." The mixed-use concept enables fewer vehicular mile trips by locating necessary uses and services in one area, reducing the need to leave the site.

Master Plan Consistency

1. Topic Area 3: Economic Development

(a) Maximize Non-Residential Tax Revenue from Existing Industrial & Commercial Areas

While only a small section of the proposal is located within the Town of Norwell, the fact was not in the creation of the Business District C3 district, which purposefully wanted to take advantage of the proximity to the Mall, and enabled uses that were compatible with similar mall / retail uses. The proposal does not utilize any areas located on the Norwell side of the Third Herring Brook, which ultimately maintains the existing buffer from the adjacent properties.

Special Permit Criteria for Approval

1. NZB §1420 – Compliance with Zoning Bylaw – Special Permit:

(a) Surrounding Detrimental Affect: The conduct of the proposed use **WILL NOT** be detrimental to the neighborhood and zoning district pursuant to NZB §1420(a).

(b) Character Affect & Overall Circulation: The conduct of the proposed use **WILL NOT** significantly alter the character of the zoning district; and, of vehicular and pedestrian movement within the Site and in relation to adjacent streets and land pursuant to NZB §1420(b)

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- (c) **Potential Hazards & Emissions:** The conduct of the proposed use **WILL NOT** be injurious, noxious, or offensive to the neighborhood by reason of the emission of odors, fumes, dust, smoke, noise, or other cause, nor hazardous to the community on account of fire, explosion, or other cause pursuant to NZB §1420(c).
 - (d) **Within the Aquifer Protection District:** If the proposed use will be located within the Aquifer Protection District (APD), the conduct of such use **WILL NOT** cause any significant degradation of the quantity or quality of groundwater supplies and further that groundwater quality resulting from onsite wastewater disposal and other onsite operations will not fall below Federal or State standards for drinking water at the downgradient property boundary pursuant to NZB §1420(d). In making such determinations, the Zoning Board of Appeals may utilize the information / standards enumerated in paragraph (d) of ZBL §4352.
2. **NZB §4354 – Compliance with Zoning Bylaw – Special Permit within Aquifer Protection District:**
- (a) **Criteria Addressed:** The intent of this Bylaw as well as its specific criteria **ARE** met pursuant to NZB §4354(a).
 - (b) **Downgradient Groundwater Quality:** Groundwater quality resulting from onsite wastewater disposal and other onsite operations **WILL NOT** fall below Federal or State standards for drinking water at the downgradient property boundary, (10 ppm concentration nitrate-nitrogen) pursuant to NZB §4354(b).

Site Plan Review Criteria for Approval

- 1. **ZRR Art. D §§1-7 – Compliance with Board of Appeals Rules & Regulations (ZRR) – Site Plan Review Application Process:**
 - (a) **Complete Application Submission:** Complete Application Packets for Public Hearing and Approval of Site Plan Review **WERE** submitted pursuant to ZRR Art. D §§1-7.
 - (b) **Application Delivery:** The Complete Application Packets **WERE** submitted to the Planning Board at their regularly scheduled meeting on September 25, 2019 pursuant to ZRR Art. D §6.d.
 - (c) **Notice Filed with Town Clerk:** The Complete Application Packets **WERE** submitted to Town Clerk pursuant to ZRR Art. D §6.d. The Complete Application Packets and Plans were date stamped received on August 19, 2019.
- 2. **ZRR Art. H – Compliance with Board of Appeals Rules & Regulations (ZRR) – Site Plan Requirements:**
 - (a) **Site Plan Submission:** A complete Site Plan **“Site Development Plans – Hanover Crossing (Norwell)”** prepared by David N. Kelly, P.E., and Steven M. Horsfall, P.L.S., of Kelly Engineering Group; dated May 17, 2019, as revised through October 28, 2019, received October 30, 2019 **WAS** submitted pursuant to ZRR Art. H §1a-g.

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3. ZRR Art. I – Compliance with Zoning Board of Appeals Rules & Regulations (ZRR) – Stormwater Managements Requirements:
 - (a) Site Plan Submission: A complete Site Plan entitled “Site Development Plans – Hanover Crossing (Norwell)” prepared by David N. Kelly, P.E., and Steven M. Horsfall, P.L.S., of Kelly Engineering Group; dated May 17, 2019, as revised through October 28, 2019, received October 30, 2019 WAS submitted pursuant to ZRR Art. I §1-13.
4. NZB §1541-3 – Compliance with Zoning Bylaw – Site Plan Review:
 - (a) On-Site Detriment: The Property **WILL NOT** generate detrimental, offensive, or incompatible uses or structures on the Site pursuant to NZB §1541.
 - (b) Overall Circulation: Vehicular and pedestrian movement within the Property and in relation to adjacent streets and land **ARE** convenient and safe pursuant to NZB §1542,
 - (c) Waste Disposal & Drainage: The Property **HAS** adequate methods of disposal for sewage, refuse, and other wastes resulting from the uses permitted on the Site, and the methods of drainage for surface water from its parking spaces and driveways **ARE** adequate pursuant to NZB §1543.

Planning Board Action:

MOTION: On November 20, 2019, Member Campbell moved and Member Sullivan seconded that the Board adopt the above Findings of Fact and forward a **POSITIVE** recommendation to the Board of Appeals for the Application subject to the following conditions.

VOTED: The motion was recorded 4-0 as follows:

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Absent
Patrick Campbell:	Aye
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

Recommended Conditions of Approval:

In the event that the Board of Appeals grants an approval of the Application, the Planning Board recommends the following conditions of approval:

1. The Planning Board notes that geotechnical data has been provided and while the data is useful, it is inconsistent with MassDEP requirements. The is aware that the Conservation Commission could include a condition that soil suitability and groundwater be determined by a Licensed Soil Evaluator prior to construction and witnessed by an Agent of the Town of Norwell or Hanover. It is the understanding that the Applicant is amenable to this condition, and the Planning Board wishes to have its recommendations consistent with those of the Conservation Commission this matter.
2. Prior to final approval, a shut-off device shall be added to the outlets or on the pipe to comply with requirements for Land Uses with Higher Potential Pollutant Loads, (LUHPPL).

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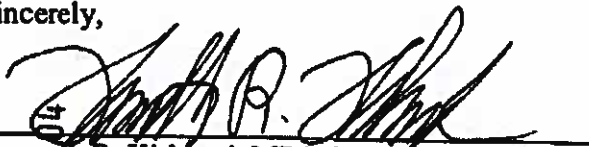
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“Hanover Crossing”

3. Prior to final approval, the Plans shall be revised to reflect the impervious areas tributary to catch basins E2A, F6A, and F6B shall be no more than ¼ acre.
4. Under Stormwater Standard 4, runoff shall be treated to remove total suspended solids (TSS) to at least 80% removal; and redevelopment projects only treatment to the maximum extent practicable is required. As a redevelopment project, the proposed design would be an improvement, however, since the site is in a critical area to a cold-water fishery, the Conservation Commission may, and the Board of Appeals should, require the net TSS removal at each outlet based on the tributary flow to each system. There is a mix of units and some of the impervious area would receive a higher treatment than other areas. The Planning Board is aware that the Conservation Commission could also request cost data for proprietary filter units to justify the claim that it would be too costly to install these systems. The Planning Board wishes to have its recommendations consistent with those of the Conservation Commission in this matter.
5. Prior to the start of construction, specific details on CDS units and Cultec chambers which include full dimensions, elevations, inverts, etc. shall be provided.
6. Prior to the start of construction, a full-sized Final BMP Plan showing the location of all BMPs, catch basins, and outlets included with a separately bound O&M Plan shall be provided to the Planning Board and Highway Department.
7. Prior to final approval, a more detailed report consistent with the requirements of MassDEP Handbook Volume 1 and Volume 2 Chapter 1 shall be submitted to the Board. There should be a plan included with the report describing the location of stormwater and sanitary waste lines as identified in the MassDEP Handbook.
8. Prior to final approval, the 12-inch pipe from DMH F3 to DMH F2 shall be set higher at the outlet end as the final pipe has a negative pitch and there would be ponded water in the manhole. As designed the outlet matches inverts with the larger outlet pipe, not crowns as typical practice. This pipe has a proposed pitch of over 7% and could be lesser slope without impacting the overall design.

I hereby attest that the above is a true copy of the Planning Board's actions and the votes taken on November 20, 2019.

Sincerely,



Kenneth R. Sirkland, MPA, MRP, AICP(C)
 Town Planner / Planning Director

Cc: Applicant
 File
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Lois S. Barbour

Lois S. Barbour

Philip Y. Brown

Philip Y. Brown

Ralph J. Rivkind

Ralph J. Rivkind

Date Filed with Office of the Town Clerk

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NOTICE OF APPELLATE RIGHTS: Any decision of the Board of Appeals may be appealed to Superior Court within twenty (20) days after filing of the written decision with the Town Clerk. Any construction or pre-construction activity is undertaken at the applicant's risk during the appeal period.