

Town of Hanover Zoning Board of Appeals

Meeting Minutes

Monday, February 28, 2011

Zoning Board of Appeals Attendees: Matthew Perkins, Linda Dyer, David Delaney, David Connolly

Other Attendees: Richard Deluca, Meaghan Neville-Dunne, Tony Losordo, Tony Marino, Patrick Gallivan, Warren Baker, Attorney Jim Toomey, Edward Marchant

The Chairman opened the regular meeting of the Zoning Board of Appeals at 7:45 p.m.

At 7:50 p.m., Matthew Perkins made a motion that the Zoning Board of Appeals go into Executive Session to discuss strategy with respect to litigation. Linda Martin Dyer seconded the motion. A role call was taken to go into Executive Session. Linda Martin Dyer –Yes, Matthew Perkins –Yes, David Delaney – Yes, David Connolly – Yes.

At 8:35 p.m. Matt Perkins motioned to adjourn the Executive Session and resume the open meeting. Linda Martin Dyer seconded the motion. The Board voted as follows Matt Perkins – yes, Linda Martin Dyer – yes, David Delaney- Yes, David Connolly – yes. The regular meeting of the Zoning Board of Appeals resumed.

The Board met with the Planning Board to discuss the pending Zoning Bylaw article pertaining to the Interchange Zoning District which was presented to the Board of Selectmen for the 2011 Town Meeting Warrant by the Planning Board.

Attorney Warren Baker, representative for the owner of the property affected by the Interchange Zoning District Bylaw, discussed the application that has been filed for a 40B on a portion of the property in the Interchange Zoning District and the effect that the Zoning changes may have to the options for development of the property. He stated that the applicant has the power to withdraw their 40B application if the conditions they felt were favorable were met in the zoning changes. Atty. Baker indicated that the changes as proposed were not acceptable to the owner of the property.

Jack Sullivan, the developer of the proposed 40B who was involved in the drafting of the article indicated to the Boards that he was now not happy with the wording of the article and would like to see more changes to the article that included lesser buffers and a residential component.

Planning Board Richard Deluca said he was still expecting the 40B project to be developed but that the proposed changes to the Interchange District would allow the other piece of land to be developed commercially. He also indicated to the developer that they had had the discussion with him at the recent Planning Board meeting and the Planning Board's understanding at the time was that he was satisfied with the changes.

Jack Sullivan said he has approached some of the abutters about meeting with him to discuss a plan for property in the Interchange District which would be agreeable to them.

The process for submitting a Town Meeting article was discussed.

The Planning Board discussed the ramifications to the Town's housing stock and Subsidized Housing Inventory if market rate housing were allowed in the Interchange Zoning District. The Boards agreed that it would be difficult for the Town to fulfill the state's SHI requirements if a large market rate housing development were added. The Planning Board is willing to support the changes to the Interchange District if Mr. Sullivan is willing to make changes to his 40B proposal to make it more attractive to the community.

Ed Marchant, 40B Consultant for the ZBA told the 40B applicant, Jack Sullivan, that no one in the Town knows what the developer really wants to do with his property because so many scenarios have been presented by this developer at different times to different Boards.

Margaret Hoffman said the ZBA was working on the applicant's 40B project. The applicant has not yet provided the ZBA with the reports or plans showing details that they have requested on this project.

Henry Furman, a Howland Park resident, stated that the plan for the 40B project keeps changing.

Warren Baker stated that the owner has a plan for the entire parcel of land in the Interchange Zoning District.

Matthew Perkins said he would like to have the developer provide a plan for the 40B that they feel comfortable with.

The Planning Board stated that the applicant is looking for substantial changes to the required setbacks for property in the Interchange Zoning District.

Ed Marchant stated that the applicant needs to provide the Town with plans which illustrate the following for the property in the Interchange Zoning District:

- Site Plan
- All building locations
- Elevations
- Mix of housing
- Exact building heights
- Definition of commercial use
- Access, wetlands, soil conditions and setbacks
- Water pumping station

Matthew Perkins requested that plans be submitted to the Assistant Town Planner with the conditions mentioned by Ed Marchant prior to March 18, 2011.

Matthew Perkins made a motion to adjourn the meeting at 9:10 p.m. Linda Dyer seconded the motion. All others were in favor.

Prepared by: Audrey Barresi, Administrative Assistant