



Zoning board of appeals
January 12th, 2016 – 6:00 PM
Town of Hanover

The following minutes are from the meeting of the Hanover Zoning Board of Appeals held on Tuesday, January 12th, 2016 in Hanover Town Hall.

Zoning Board of Appeals Attendees:

Present: Matthew Perkins, John Tuzik, Brian Callow and Christopher Bernard

Absent: David Delaney and David Connolly

Others: Town Planner Peter Matchak and Associate Town Planner Heidi Cho.

Matthew Perkins, Chairman of the Zoning Board of Appeals, called the meeting to order at 6:05 p.m. and read the rules of the meeting into the record, in the second floor hearing room at Town Hall, Hanover, Massachusetts.

Public Hearing for the filed Notice of Appeal of 803 Washington Street, Hanover, MA:

Matthew Perkins opened the public hearing for the filed Notice of Appeal of 803 Washington Street, and read the public hearing notice into the record. John Tuzik made a motion to waive the reading of the list of abutters. Christopher Bernard seconded the motion. All others voted in favor.

The applicants Nancy and Joseph Leonard, 803 Washington Street, Hanover, MA 02339, filed the Notice of Appeal to the Zoning Board of Appeals on December 7th, 2015. Gregory Sullivan, a lawyer representing the applicants, appealed the decision of Anthony Marino, Assistant Town Manager/ Building Commissioner, and Jeffery Blanchard, Fire Chief, dated November 24th, 2015, on behalf of the applicants. This decision ordered the applicants to cease and desist the current placement of the concrete barriers on 803 Washington Street and 811 Washington Street and return the site to its original condition, due to its interference with the Hanover Fire Department's requirement of an eighteen foot wide travel lane for emergency vehicles on commercial properties and violation of the Town of Hanover Zoning By-laws and M.G.L Ch.40A, Sec.6. On behalf of applicants, Gregory Sullivan stated these were false, arbitrary and capricious. They were not supported by fact or by law, and are advanced in bad faith. He asked Chief Blanchard where the 18' requirements were coming from and why other commercial properties in the town do not comply with the regulation. He presented the pictures of other commercial properties that do not comply with the 18' setback for emergency vehicles.

Chief Blanchard responded that the property in question is different because it is not only commercial but it's a residential and commercial property, for which life safety concerns are more critical than the examples Mr. Sullivan provided. Chief Blanchard also mentioned that the National Fire Protection Association (NFPA) requires 20' clearance around any structure. In any case Chief Blanchard is concerned that the existing concrete barrier hinders operations and makes it difficult to protect the property in an emergency. Matthew Perkins questioned Chief Blanchard if the life safety law is under the authority of the fire department and Chief Blanchard answered that life safety issues are their concern and it is their job is to protect the town from such issues. John Tuzik also agreed that this is a special case, different from the examples Mr. Sullivan provided, noting that the applicant's property is a busier commercial property than other examples and includes residential. All others agreed.

Matthew Perkins asked to hear from the Building Enforcement Office, Anthony Marino. Anthony Marino stated the property is violating Town's Zoning By-laws Section 4.320 and 4.330. The Section 4.330 stated "no pre-existing, non-conforming lot shall be altered or changed except in accordance with the following and only upon the grant of a Special Permit from the Planning Board, acting as the Special Permit Granting Authority, after a finding by the Board that the proposed alteration or change shall not be substantially more detrimental to the neighborhood than the existing." Zoning Enforcement Officer, Anthony Marino stated that according to the Town's Zoning By-laws the applicant needs to be granted a Special Permit from the Planning Boards to install a fence or any kind which will also go through with the Fire Department to confirm public safety issues.

John Tuzik asked Mr. Sullivan for a specific reason for those barriers. Mr. Sullivan answered that the cars from the 811 Washington Street, Imperial Garden Restaurants are intruding into the parking lot at 803 Washington Street causing property damage and jeopardizing public safety on Leonard's property

Matthew Perkins credited Chief Blanchard, noting that he was performing his duty to protecting life safety ensuring that the Fire Department has access to the site. Matthew Perkins credited Zoning Enforcement Officer, Anthony Marino, noting that the any site plan change needs a Special Permit and review from the Planning Board and all town departments. Matthew Perkins made a motion to close the public hearing and affirmed the decision to cease the barriers on 803 Washington Street property. Christopher Bernard seconded the motion. All others voted in favor.

Matthew Perkins made a motion to adjourn the meeting at 6:47 p.m. John Tuzik seconded the motion. All other voted in favor.

The meeting was adjourned at 6:47 p.m.

Respectfully submitted by:
Heidi Cho
Associate Planner