



ZONING BOARD OF APPEALS

JULY 8, 2015 – 7:30 PM

TOWN OF HANOVER

The following minutes are from the meeting of the Hanover Zoning Board of Appeals held on Wednesday, July 8, 2015 in Hanover Town Hall.

Zoning Board of Appeals Attendees:

Present: Matthew Perkins, David Delaney, and David Connolly

Absent: Christopher Bernard, John Tuzik and Brian Callow

Others: Town Planner Peter Matchak and Associate Town Planner Heather Lamplough.

Matthew Perkins, Chairman of the Zoning Board of Appeals, called the meeting to order at 7:30 p.m. and read the rules of the meeting into the record, in the first floor hearing room at Town Hall, Hanover, Massachusetts.

Review Minutes from Zoning Board of Appeals Meeting held on June 17, 2015:

The Board reviewed the meeting minutes from June 17, 2015. David Connolly made a motion to accept the meeting minutes. Matthew Perkins seconded the motion. All others voted in favor.

Public Hearing for 700 Washington Street ZBA Case Z-15-1:

Matthew Perkins re-opened the public hearing for ZBA Case Z-15-1, 700 Washington Street. The applicant, Irene Dunn of Elite Repeat, 700 Washington Street is requesting a special permit from Section 5.500 of the Hanover Zoning By-laws for the placement of a storage trailer on the premise to be used in conjunction with the applicant's furniture consignment store. The applicant presented the proposed fencing plan to the Board, which consists of a solid cedar stockade fence to be placed in front of the trailer and to the side of the building in order to block the trailer from view of passerby's on Route 53. They stated that the fence will be taller and wider than the trailer itself and that additional screening above will be placed if necessary. David Connolly explained to the applicant that this Special Permit is only valid for one year. David Connolly made a motion to close the public hearing and to grant the Special Permit from Section 5.500 of the Hanover Zoning Bylaws for one year with the condition that a solid cedar stockade fence (similar in design to that presented to the Board) will be placed in front of the trailer and to the side of the building in order to block the trailer from view of passerby's on Route 53. The gate on the fence is to remain closed at all times, with the exception of deliveries and when loading/unloading the trailer. Matthew Perkins seconded the motion. David Delaney voted in favor.

Public Hearing for 57 Cheryl Lane ZBA Case Z-15-7:

Matthew Perkins, Chairman, opened the public hearing for 57 Cheryl Lane, ZBA case Z-15-7 and read the public hearing notice into the record. David Delaney made a motion to waive the reading of abutters.

David Connolly seconded the motion. The applicants, Edward and Mary Ellen Davis, 57 Cheryl Lane, filed an application requesting two variances from Zoning Bylaw Section 7.400, Front, Side and Rear Setbacks, Table 7-1 Dimensional Regulations, for the proposed construction of a two-car garage, bedroom and bathroom. The applicant is requesting a variance of 4.6 feet of relief from the southern side lot line and a variance of 5.6 feet of relief from the front yard setback. A letter from Brian and Helene King 69 Cheryl Lane stating no objections to the project was read into the record. Dana Altobello, of Merrill Corporation, on behalf of the applicant, presented the proposed project to the Board. No parties of interest or abutters spoke in opposition. Due to the shape of the lot, the location of the house on the lot, and the location of the septic system, the Board decided that relief can be granted without substantial detriment. David Connolly made a motion to close the public hearing and approve the application for 57 Cheryl Lane, Case Z-15-7. Matthew Perkins seconded the motion. David Delaney voted in favor.

Public Hearing for 26 Davis Street ZBA Case Z-15-6:

Matthew Perkins, Chairman, opened the public hearing for 26 Davis Street, ZBA case Z-15-6 and read the public hearing notice into the record. David Delaney made a motion to waive the reading of abutters. David Connolly seconded the motion. The applicant, BGB LLC, c/o Beata Swierczynski, 308 Victory Road, Quincy, MA 02171, filed an application requesting a Special Permit under Section 4.220 "Pre-Existing Non-Conforming Structures" of the Town's Zoning Bylaws for property located at 26 Davis Street, Hanover, MA 02339. The applicant proposes the reconstruction of a new foundation and single family dwelling in the same location of the existing structure using the same footprint which currently exists on the site. Dana Altobello, of Merrill Corporation, on behalf of the applicant, presented the proposed project to the Board. The current house does not conform to zoning due to front setbacks, both side setbacks and undersized lot size. He stated that the house is currently uninhabitable, and has collapsed floors. He stated that the project has already received approval from the Conservation Commission. No parties of interest or abutters spoke in opposition. The Board found that the proposed reconstruction would have no extension or intensification of the existing non-conformities and would cause no substantial detriment to the neighborhood. David Connolly made a motion to close the public hearing and approve the application for 26 Davis Street, Case Z-15-6. David Delaney seconded the motion. Matthew Perkins voted in favor.

Public Hearing for 168 Birchwood Road ZBA Case Z-15-10:

Matthew Perkins, Chairman, opened the public hearing for 168 Birchwood Road, ZBA case Z-15-10 and read the public hearing notice into the record. David Delaney made a motion to waive the reading of abutters. David Connolly seconded the motion. The applicants, Bruce and Kara Wheeler, 168 Birchwood Road, filed an application requesting a variance of approximately eighteen (18) feet from Zoning Bylaw Section 7.400, Front, Side and Rear Setbacks, Table 7-1 Dimensional Regulations, for the proposed installation of an inground swimming pool. The applicants, Bruce and Kara Wheeler presented the proposed project to the Board. They presented letters of support from abutters at 45 Maplewood Drive, 184 Birchwood Road and 152 Birchwood Road. When asked by the Board why they cannot locate the pool closer to the house/ back deck to eliminate the need for a variance from the rear lot line, they stated that they need the space in-between the pool and the existing deck for oil deliveries and for septic tank emptying. No parties of interest or abutters spoke in opposition. David Connolly requested a site visit and would like to see written approval from the remaining abutters before rendering a decision. In agreement with the applicants, Matthew Perkins moved to continue the hearing to August 5, 2015 at 6:00 p.m., subject to a site visit. David Connolly seconded the motion. David Delaney voted in favor.

Public Hearing for 78 North Street ZBA Case Z-15-8:

Matthew Perkins, Chairman opened the public hearing for 78 North Street, ZBA case Z-15-8 and read the public hearing notice into the record. David Delaney made a motion of waive the reading of abutters. David Connolly seconded the motion. The applicant Larry Maynard, 1264 Main Street, filed an application requesting a Special Permit under Section 6.020.C "Family Accessory Dwelling Units" of the Town's Zoning Bylaws. The applicant proposes the addition of an in-law apartment to the current residence. The applicant has filed a proposed floor plan and has executed both the Declaration of Covenants and Owner's Affidavit. The applicant, Larry Maynard presented the proposed project to the Board. He stated that he has a letter of commitment from the Conservation Agent stating that the Conservation Commission will be closing and approving this project around July 15, 2015. David Connolly raised concerns about the two planned egresses, and requested that this be reviewed and approved by the Building Commissioner. Abutter, David Blake of 79 North Street, asked questions about protecting the house from becoming a two-family in the future, should the current owners ever move. Town Planner, Peter Matchak explained that an Owner's Affidavit and Declaration of Covenants must be verified annually to ensure that residents of the in-law apartment are related to the main owner of the property by either blood or marriage. David Delaney made a motion to close the public hearing and to approve the application for 78 North Street, case Z-15-8, subject to plan review and approval by Building Commissioner Anthony Marino and with the condition that the proposed project meets all State Building Codes and Board of Health requirements. Matthew Perkins seconded the motion. David Connolly voted in favor.

Public Hearing for 325 Columbia Road ZBA Case Z-15-9:

Matthew Perkins, Chairman opened the public hearing for 325 Columbia Road, ZBA case Z-15-9 and read the public hearing notice into the record. David Delaney made a motion of waive the reading of abutters. David Connolly seconded the motion. The applicant, Christopher Zona, 325 Columbia Road, filed an appeal of the Building Commissioner's decision under Article 9 of the Hanover Sign Bylaw and is requesting a variance from Section 5.1 (Movement) of the Hanover Sign Bylaw. The applicant proposes the installation of an electronic/digital sign for the business located at 325 Columbia Road (Posh Was Auto Wash). The applicant, Christopher Zona presented the proposed project to the Board. He stated that the sign would be similar to those located at the Hanover Mall, the YMCA, and the Cardinal Cushing Center. David Connolly asked the Town Planner to research similar bylaws in which these signs are allowed and/or regulated, and stated that he would like to have a discussion with Building Commissioner Anthony Marino before rendering a decision. David Connolly moved to continue the public hearing to August 5, 2015 at 6:00 p.m., subject to the attendance of Building Commissioner, Anthony Marino. Matthew Perkins seconded the motion. David Delaney voted in favor.

Public Hearing for 872 Main Street ZBA Case Z-15-11:

Matthew Perkins, Chairman opened the public hearing for 872 Main Street, ZBA case Z-15-11 and read the public hearing notice into the record. David Delaney made a motion of waive the reading of abutters. David Connolly seconded the motion. The applicant Robert Setterland, 872 Main Street, filed an application requesting a Special Permit under Section 6.020.C "Family Accessory Dwelling Units" of the Town's Zoning Bylaws. The applicant proposes the addition of an in-law apartment to the current residence. The applicant has filed a proposed floor plan and has executed both the Declaration of Covenants and Owner's Affidavit. The applicant, Robert Setterland presented the proposed project to the Board. No parties of interest or abutters spoke in opposition. Matthew Perkins made a motion to close the public hearing and to approve the application for 872 Main Street, case Z-15-11, subject to plan review

and approval by Building Commissioner Anthony Marino and with the condition that the proposed project meets all State Building Codes and Board of Health requirements. David Delaney seconded the motion. David Connolly voted in favor.

David Connolly made a motion to adjourn the meeting at 9:05 p.m. Matthew Perkins seconded the motion. All others voted in favor.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted by:

Heather Lamplough

Associate Planner