



Hanover Zoning Board of Appeals
550 Hanover Street
Hanover, MA 02339
Meeting Minutes
Wednesday, October 28, 2020 – 7:30 pm
Via Zoom

Committee Attendees

Matthew Perkins, Chairman
David Connolly
Frederick Adami
Christopher Bernard
Brian Callow
Glen Openshaw

Other Attendees

Frank Teixeira, Starland Holdings LLC
Dana Altobello, Merrill Engineering
Steven Guard, Guard Law LLC
Jones P. Wing, Abutter - 12 Crickets Run
Rolf Manser, Abutter – 15 Crickets Run
Ann Lee, Interim Director CD & MI/Assistant Town Manager

Opening

Chairman Matthew Perkins opened the meeting at 7:34 pm. The Chair read the hearing rules into the record and noted the meeting was being recorded.

Review of Minutes

The Board voted to approve the meeting minutes from September 23, 2020 was written.

Public Hearing- Starland Holdings LLC - 637 Washington Street – Case Z-20-8

The Board opened a public hearing for Starland Holdings LLC, 637 Washington Street, Map 39, Lot 10, Business District. The applicant is requesting a variance under Section 7.110 maximum height for structures in order to construct a 135 foot zipline tower. The Chair read the hearing notice into the record. The Board voted to waive the reading of the abutters list. The Board reviewed all the documents submitted with the application. The Chair read a letter from the Hanover Fire Department and a letter from abutters of the property into the record.

Rolf Manser of 15 Crickets Run expressed his concern regarding parking issues as well as the hardship that additional traffic in the area will create for abutters to the property. Mr. Manser acknowledged the change in location for the proposed zipline tower is appreciated; however, the additional noise from patrons on the ride cannot be mitigated. Mr. Manser is also concerned with the number of trees that will have to be removed from the site to install the zipline tower. Jones Wing of 12 Crickets Run also acknowledged the change in location of the proposed tower is appreciated; however, he is still concerned with increasing noise/music, lighting and trees that will need to be removed. Mr. Wing is also concerned about increased traffic in the neighborhood and the existing problem of loud music and the dumpster being loudly dropped early in the morning. Mr. Wing questioned the validity of the hardship or necessity of the proposed zipline tower. Mr. Wing stated his opposition to the project and requested that the Board deny the variance.

Steven Guard of Guard Law LLC addressed the Board on behalf of the applicant. Mr. Guard stated the new proposed location is much farther away from any residential property, and the zipline should not create any additional noise as it is a controlled ascent and decent. Mr. Guard also stated they will be keeping undisturbed as many trees as possible. Mr. Guard believes the traffic issues already exists and will not be greatly increased with the zipline addition. Mr. Guard stated the importance of outdoor events given the current health crisis and believes the addition of the zipline will help to ensure the parks survival in the future. Dana Altobello of Merrill Engineer stated the new proposed location for the tower is 560 feet away from the nearest residential abutter. Mr. Altobello also reviewed the plans with the Hanover Conservation Agent who believes the new proposed location is comparable as far as wetland impact. Mr. Altobello also stated there will not be speakers mounted to the zipline tower and all safety lighting will be downward facing and facing towards Route 53. Frank Teixeira of Starland Holdings LLC stated once the park is back up to full operation post Covid, the parking issues will be addressed with the addition of the proposed new parking area to the rear of the property.

Board member David Connolly confirmed with the applicant the variance for the zipline tower is separate from any future proposed parking lot or future amusement rides noted on the plan submitted. Mr. Teixeira confirmed they are only requesting a variance for the zipline tower height. Mr. Connolly noted the ZBA's lack of information regarding the site plan approval currently before the Planning Board limits the ZBA's ability to thoroughly understand what they are being asked to make a determination of. Mr. Connolly reserved the right at the end of this hearing to motion to hold a joint hearing with the Planning Board. Board member Christopher Bernard proposed the idea of an additional site visit and drone test. Board member Fredrick Adami questioned what hardship would be inflicted without the proposed zipline. Mr. Guard stated in order for the park to financially survive in the future it needs to be able to grow and add attractions. Mr. Guard also stated his opinion that the Board could determine the proposed zipline tower is an accessory structure allowed under the zoning bylaw Section 7.120. Mr. Teixeira stated the benefits the facility brings to the Town of Hanover and the importance of its continued success.

Board member Glen Openshaw questioned if the request for a finding under section 7.120 was approved, the applicant then contends no variance is needed. Board member David Connolly stated the hearing notice published in the newspaper and sent to the abutters only states a request for a variance and does not mention section 7.120. In order to hear a request under section 7.120, additional hearing notice would need to be published. Mr. Connolly also stated the applicant would need to have their building permit denied by the Building Inspector for an appurtenance structure and then appeal to the Zoning Board. Mr. Guard stated in his opinion the purpose of the hearing notice is to notify the public of the scope of the proposed project and if the Board chooses to grant the appurtenance finding, he does not believe a re-notification is needed. Mr. Connolly questioned if Mr. Guard had the documentation that stated the Planning Board's intent when section 7.120 was adopted. Mr. Guard said it is his interpretation of the intent of section 7.120, such as a television station needing an antenna and in this case a amusement park needing attractions. Mr. Connolly stated addressing what is different about this property in regards to shape, condition and topography should be considered and in regards to the cell phone tower located across the street, applicant's counsel should consider distinguishing a passive versus active use. Mr. Connolly also noted the Federal Telecommunications Act requires municipalities to allow certain structures i.e. cell phone towers but does not including zipline towers.

The Board agreed to holding a joint meeting with the Planning Board regarding the project and having a site visit prior to the joint meeting. The Board discussed with the applicant marking trees that would be removed in order to construct the zipline. The Board voted to continue the hearing to November 23rd which is the Planning Board's next available meeting. The Planning Board Chair will be contacted regarding the joint meeting. The Board discussed ensuring all abutters are notified of future meetings.

Adjournment

The meeting adjourned at 8:50 pm.

Next Meetings

Wednesday, November 18, 2020

Monday, November 23, 2020