



Hanover Zoning Board of Appeals
550 Hanover Street
Hanover, MA 02339
Meeting Minutes
Wednesday, November 18, 2020 – 7:30 pm
Via Zoom

Committee Attendees

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

Other Attendees

Jansi Chandler, Cardinal Cushing Centers
Paul Gallagher, JP Gallagher Construction
Walter Sullivan, Sullivan & Comerford PC
Deb Keller, Merrill Engineers
MaryAnn Brugnoli, Planning Board Chair
Mary Faith, 167 Union Street
Donna Keith & Fred Caruso, 55 Stonegate Lane
Peter Johnson, Hanover Historical Commission Chair
Robert Curtis, 43 Stonegate Lane
Michael Murray, 199 Union Street
Ann Lee, Interim Director CD & MI/Assistant Town Manager
Joseph Stack, Building Commissioner

Opening

Chairman Matthew Perkins opened the meeting at 7:31 pm. The Chair read the hearing rules into the record and noted the meeting was being recorded.

Request for Modification - Kennedy Building Parking

The Board met with Jansi Chandler regarding a request for modification of condition #12 (parking) of a comprehension permit approved by the Zoning Board in February 2014. Ms. Chandler explained to the Board the original parking plan reserved 30 parking spaces in the

West parking lot for Bethany Apartment residents in addition to the 37 spaces they have behind the apartment building. Ms. Chandler stated over the course of the last few years it has been noted that only 5 of the 30 reserved parking spaces in the West lot are being used. Cardinal Cushing Center is proposing to move the 30 spaces to the East parking lot and have them be designated as shared spaces. Ms. Chandler also noted that 99 new parking spaces have been added to the grounds of the Cardinal Cushing Center. The proposal has been approved by the Planning Office of Urban Affairs. The Board voted to approve the change to condition #12 of their original decision with all other conditions remaining unchanged. The Board will provide a letter to Cardinal Cushing Centers detailing the change.

Public Hearing – 179 Union Street – Request for Finding – ZBA 20-10

The Board opened a public hearing for Paul T. Gallagher, 179 Union Street, Map 29 Lot 7. The applicant is requesting a MGL c. 40A s. 6 finding to allow the applicant to convert the current barn/domicile into a single family home roughly on the same footprint. 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.

Attorney for the applicant, Walter Sullivan, explained the creation of Lot 2 at 179 Union Street was approved by the Hanover Planning Board under Section 81L. Lot 2 is 74,858 square feet. The project engineering, Deb Keller of Merrill Engineering, explained the plans briefly and stated permits would also be required from the Conservation Commission, Board of Health and Building Department. Mr. Sullivan explained the applicant's intention to create a single family home which would be moved forward slightly making the rear setback more conforming. The newly created lot does not have the required frontage on Union Street. Mr. Sullivan stated the structure once had an old heating system, toilet and sink. The applicant Paul Gallagher stated he would like to try to salvage the support beams to be incorporated in the new home.

The Chair asked what evidence was found that the barn was once used as a domicile. Mr. Sullivan stated the heating system, toilet and sink seemed to indicate someone lived in the structure at some point. The Chair stated Section 4.130 of the bylaw states if the use is discontinued or abandoned for more than two years, it shall not be reestablished.

Board member Brian Callow questioned why the lot was created if it does not meet the frontage requirement. Mr. Sullivan explained the lot was created under Section 81L which allows a lot to be divided if the existing lot meets frontage requirements. This creates the lot but it is not buildable without a finding from the Zoning Board. The Chair of the Planning Board MaryAnn Brugnoli stated the lot was created as an Approval Not Required, and Town Counsel Kevin Feeley directed the Planning Board that the approval was allowable. Mrs. Brugnoli also stated as a resident that no one has ever lived in the structure/barn. Board member Fredrick Adami stated he has lived in Hanover since 1955, and no one has ever lived in the structure in question.

Mary Faith of 167 Union Street stated she is related to the previous owners of the property, and was always told the land could not be divided and no retreat lot was possible. As a result, the

property was sold for less money, and Ms. Faith is disappointed a new lot is being proposed now. Ms. Faith also stated no one ever lived in the barn and multiple years of construction on the existing home have been disruptive.

Fred Caruso of 55 Stonegate Lane stated the structure is a barn and was used solely for horses and livestock. The sink and heater were used when a calf was being born, and there was never a toilet in the barn. Mr. Caruso learned this history from the previous owner when he visited the property to possibly purchase old cars. Mr. Caruso stated he will lose the privacy of his backyard if a home is built on the property, and a variance should not be granted if it causes detriment to others.

Peter Johnson, Chair of the Hanover Historical Commission, stated he has meant with the applicant Paul Gallagher and is very interested in preserving the barn as much as possible. Mr. Johnson believes it dates back to the early 18th century. Mr. Johnson also stated he is pleased with the restoration of the existing home at 179 Union Street.

Robert Curtis of 43 Stonegate Lane stated the barn has never been used as a domicile. Mr. Curtis also stated an easement /paper road goes through 179 Union Street and his property as well. Michael Murray of 199 Union Street stated the easement/paper road also runs along his property and asked if the easement has been included in lot 2. Deb Keller of Merrill Engineering stated she will do some research on the easement/paper road. Mr. Murray would like more time before the Board's decision to understand the project and issues. The Chair stated the Board would make no decision until a site visit was conducted, and the hearing would be continued to a later date.

Board member Fredrick Adami stated the easement/paper road was called Birch Bottom Road running from Union Street to Main Street and was regularly used as a horse trail. Fred Caruso stated he believe the easement is owned by Brockton Edison. Board member David Connolly asked that a 50 year title search be done, and Mr. Sullivan agreed to this.

A discussion was had regarding Section 81L and the creation of Lot 2. The Chair of the Planning Board MaryAnn Brugnoli stated the Planning Board was given written language for the approval from Town Counsel Kevin Feeley. Board member David Connolly suggested that further questions regarding the approval be directed to Mr. Feeley.

Board member David Connolly confirmed with Attorney Walter Sullivan that any extensions required would be granted by the applicant to the Board. Mr. Sullivan agreed. The Board voted to continue the hearing to Wednesday, December 16, 2020 at 7:30 pm. A site visit will be scheduled prior to this next hearing.

Review of Minutes

The Board voted to approve the meeting minutes of October 28, 2020 as written.

Other Business

The Board discussed drafting a letter to the Board of Selectmen regarding the vacant and unfunded Town Planner position. The Chair stated he will draft a letter for the Boards review.

Adjournment

The meeting adjourned at 8:38 pm.

Next Meetings

Monday, November 23, 2020

Wednesday, December 16, 2020