



TOWN OF HANOVER
Community Development & Municipal Inspections
550 HANOVER STREET
HANOVER, MASSACHUSETTS 02339
781-826-5000 ext. 1016

Planning Board

To: Mary Ann Brugnoli, Chair and Planning Board Members

From: Christine Stickney, Town Planner

Date: February 17, 2022

Re: Discussion – 1070 Washington Street (Special Permit #17-12)

In anticipation of the discussion on 2/28/22, staff has reviewed the file, minutes, Zoning Bylaw and met with the new owner Steve Callahan and Building Inspector Joe Stack relative to the existing conditions at 1070 Washington Street. The entire lot is 64,224 SF located in a Business zone with the front (easterly) portion located in the Town's Aquifer Protection Overlay District. The lot directly abuts a Residence A zone.

In 2016 an application was filed for the construction of a one story (9,000 SF) commercial building on the lot with an existing residential structure (2,045 SF) consisting of 3 units according to the advertisement. The sections of the ZBL requested approval for included Sections 6.130A, 6.860, 7.660 and 10.

Under Section 6.130 Uses Permitted by Special Permit from the Planning Board (Business District)

It was common that under 6.130 (A) one would be directed to 6.400 (limited Industrial District) as the review route for a single story commercial building construction presuming the existing 3-family non-conforming residence became the accessory use. The size of the building and the amount of earth preparation for this construction subsequently required review under ZBL section 7.660 for earth movement exceeding 500 SF and Section 10 Site Plan Review.

Under Section 6.800 Water Resource Protection District (Aquifer Overlay)

The advertisement was for Section 6.860 (Uses permitted by Special Permit in the Water Resource Protection District) – staff believes specifically item #8 is where the discussion of altering a pre-existing, non-conforming-multifamily structure took hold. What is not clear is if this was a proposal or the applicant desired to keep the multi-family as is 3-family residential ... because only single family units in a business zone were permissible as accessory by Special Permit. In your packet are three correspondences back and forth from the Town and Applicant's attorney regarding zoning issues. All were in agreement multiple buildings are allowed in a Business zone provided the new building (commercial building) became the primary use and the existing residential use is accessory if not changed.

Only the Aquifer Overlay speaks to multi-family which was pre-existing and no Special Permit should have been necessary to allow it to remain as is on the site (see 6.405 Limited Industrial District) as an accessory use. The proposal did not exceed the 50% lot coverage requirement of the Aquifer Overlay with both structures. Business District zoning makes no mention of multi-family uses either by right or special permit – however one must remember it is a pre-existing –non-conforming – use (accessory with the new building).

Discussion for 2/28/22:

The applicant would like to have the multi-family structure remain and continue to be used as it has existed on the site. The existing house has modifications as to its appearance, new roof and has been serviced by the new septic on the lot. Three long term tenants live in the house it is not a transient situation as to short term boarding.

The crux of the issue is condition #5 of the Planning Board's Special Permit decision that requires the structure be razed.

Staff would also note As-Built Approval has never been requested to close the file out and should be required in whatever the Board directs the applicant towards.

CC: Applicant
 File #17-12