



Zoning Board of Appeals
Meeting Minutes
Wednesday January 14, 2015

Zoning Board of Appeals Attendees:

Present: Matt Perkin, David Delaney, David Delaney, John Tuzik, Brian Callow, and Christopher Bernard
Staff: Peter Matchak, Town Planner, and Heather Lamplough, Associate Town Planner

Matt Perkins opened the meeting at 7:40 p.m. in the first floor hearing room and read the rules of the hearing into the record.

652 Water Street: ZBA Case Z-14-8:

David Delany acting as Chairman for case Z-14-8 reopened the public hearing for 652 Water Street. The applicant Chris and Deb Martin, 556 Circuit Street, Hanover, MA 02339, filed with the Town Clerk on November 14, 2014 for property identified as Lot I (652) on Water Street recently created by the Hanover Planning Board via the Approval Not Requires (ANR) Process. The applicant requests a variance from Hanover Zoning Bylaw Section 5.3 Accessory Structures and a special permit from Section 4.220.2. Pre-Existing Non-Conforming Structures. The applicant is requesting a special permit to alter a portion of a non-conforming residential single family dwelling. Additionally, the applicant is requesting a variance of 43' 7" from Section 5.3 Accessory Dwellings. Brian Callow made a motion to approve ZBA case Z-14-8 granting the requested special permit and variance. Chris Bernard seconded the motion. The voting Board consisting of David Delaney, Brian Callow and Chris Bernard all voted in favor.

Hanover Country Florist Zoning Violation Appeal:

Matt Perkins opened the public hearing and read the hearing notice into the record. David Delany and David Connolly recused themselves from the hearing. This public hearing was held to hear Hanover Country Florist appeal of the enforcement of Town of Hanover's Zoning Bylaws concerning outdoor storage. Anthony Marino, Zoning Enforcement Officer spoke to the Board regarding this enforcement of Zoning Bylaw Section 5.800 Outdoor Storage. The Town of Hanover adopted an Outdoor Storage Bylaw in 2011, allowing the outdoor storage of goods for sale. To do so, one must secure a special permit from the Hanover Planning Board. In the spring of 2014 the Town of Hanover requested all business in Hanover who were in violation to obtain a special permit from the Planning Board at \$250.00 dollars a fifty percent reduction in cost. Multiple businesses along Route 53 have complied with the town's request. Hanover Country Florist had applied with the Planning Board for an Outdoor Special Permit, however withdrew their application. Jim Toomey, Town Counsel, informing the Board Hanover Country Florist has filed an injunction in Superior Court regarding the accumulated zoning violation fines. Attn: Greg Sullivan representing Hanover Country Florist addressed the Board presenting a signed affidavit listing facts pointing out the time line of operation for Hanover Country Florist. Hanover Country Florist opened in March of 1993 with the principal activity of selling retail flower. Attn: Sullivan states under Section 40 A Section 6 this client is protected from having to obtain a Special Permit Due to the grandfathering clause. Prior to 2011 the Town of Hanover didn't allow outdoor of goods for sale. At the 2011, Annual Town Meeting Hanover adopted and Outdoor Storage Bylaw. The Board asked Attn:

Sullivan the type of goods his applicant store outside. In response Attn: Sullivan stated his client displays seasonally items such as wreaths at Christmas and similar items around holiday and the Spring, Summer and Fall seasons. Currently located at 803 Washington Street, Hanover Country Florist is one of three businesses and an apartment. The building is considered an existing non-conforming building. Paul Hutchins of 795 Washington Street disputes Hanover Country Florist's history of outdoor display. Roger Leslie, 671 Webster Street stated Hanover country Florist should move the barrels which have been placed along the property line shared by Hanover Country Florist and Imperial Garden Restaurant. Mr. Leslie offered his opinion that there is no parking on the site of 803 Washington Street and to allow further outdoor storage would add to chaos on the site. Alex Lee, Imperial Garden Restaurant sided because of the illegal outdoor storage people are parking in his parking lot to visit stores located at 803 Washington Street. Brain Curly of 161 Main Street stated when visiting 803 Washington Street he can't get into the building due to the lack of parking. Attn: Sullivan representing Hanover Country Florist added his client is in compliance with the bylaws of the town of Hanover. The Board requested Bylaws from 1992, 1993, 2007 and 2008 and the 2011 zoning change to allow outdoor storage. In agreement with the Attn: Sullivan the Board continued the public hearing to February 11, 2015. John Tuzik made a motion to continue the hearing to February 11, 2015 at 7:30 p.m. Brain Callow seconded the motion. All others voted in favor.

Public Hearing for 1222 Hanover Street ZBA Case Z-14-9:

Matt Perkins opened the public hearing for 1222 Hanover Street, case Z-14-9 and read the public hearing notice into the record. David Delaney made a motion to waive the reading of the list of abutters. Brian Callow seconded the motion. All other voted in favor. Letter from CEI Inc., Hanover DPW and Hanover Fire Dept. were identified by the Board and put into the record. Hatem Choubah, P.E. representing the applicant presenting the proposed project to the Board at the site of 1222 Hanover Street. The applicant is requesting Special Permits from Zoning Bylaw Section 4.110 A.1 and 4.110 A.2 Pre-Existing Non-Conforming Uses. Additionally, the applicant is requesting Variances from Zoning Bylaw Section 7.540 B, Coverage of Land (Building Coverage and Lot Coverage within a Business District) and Section 7, Table 1: Dimensional Regulations, Front Setbacks within a Business District. The applicant is requested Site Plan Approval Section 10.000 of the Hanover Bylaws. The application proposes site improvements and modifications which include the construction of a new 2,880 sq. ft., convenience store and a drive up window, four dispensing gasoline pumps covered by a steel overhead canopy. Replace the existing underground storage tanks and fuel lines with double-walled fiberglass tanks and lines and new concrete containment pads. Cheryl and Ronald Purcell of 1212 Hanover Street owner and operator of Pooch Paws doggy day care facility addressed multiple concerns with the proposed work including the drive thru window and light pollution spilling onto their property. In agreement with the applicant the board continued the public hearing to February 11, 2015. John Tuzik made a motion to continue the hearing to February 11, 2015 at 7:30 p.m. Brain Callow seconded the motion. All others voted in favor.

Brain Callow made a motion to adjourn the meeting at 9:45 p.m. Christopher Bernard seconded the motion. All others voted in favor.

Respectfully submitted by: Peter Matchak, Town Planner