



Hanover Zoning Board of Appeals
550 Hanover Street
Hanover, MA 02339
Meeting Minutes
Wednesday, February 10, 2021 – 7:30 pm
Via Zoom

Committee Attendees

Matthew Perkins
Brian Callow
Glen Openshaw

Absent

Frederick Adami
David Connolly
Christopher Bernard

Other Attendees

Ann Lee, Director CD & MI/Assistant TM
Melsi Xhengo, 3 Xhengo Lane
Sean P. Sweeney, Esquire
Alyssa Gerrish, 628 King Street
Kaitlin & Michael McDougall, 65 Paul Road
Dan Mantell, 64 Paul Road

Opening

Chairman Matthew Perkins opened the meeting at 7:33 pm. The Chair read the hearing rules into the record and noted the meeting was being recorded.

Public Hearing – 640 King Street – Variance – ZBA 20-17

The Board opened a public hearing for Melsi Xhengo, property address 640 King Street, Hanover, MA, Map 80, Lot 6, Residence A District. The applicant is requesting a variance from the required lot frontage of 150 feet, Bylaw Section 7.310 – Table 7-1, for the creation of a new buildable lot with frontage of 98.93 feet, lot area of 37,046 square feet. The Chair Matthew Perkins read the hearing notice into the record. The Board voted to waive the reading of the abutters list. The Chair reviewed all documents submitted. The Chair noted the plan submitted has not been stamped by a registered professional land surveyor. Melsi Xhengo stated that will be corrected. Attorney Sean Sweeney explained that Mr. Xhengo has a purchase and sale agreement for the property. The house has been on the market for 450 days and borders the Fireworks District to the rear. It is Mr. Sweeney's assertion that the property has been devalued by the ongoing clean-up of the Fireworks District, a hardship created by a public entity. Due to this hardship, Mr. Sweeney believes the variance requested should be granted thereby allowing a second residential home which will negate the devaluation of the property. Mr. Sweeney

stated case law supports this assertion, and he will forward an example to the Board. Mr. Sweeney also stated that Bylaw Section 6.60 states the purpose of the Fireworks District is to “promote the redevelopment of older industrial areas in a way which is beneficial to current and potential businesses and to the residents of the Town”. Mr. Sweeney believes renovations to the existing home and the addition of a second home fits within this goal. The Chair opened the floor to public comments. Alyssa Gerrish of 628 King Street stated she is against the approval of the variance and believes it will set a bad precedent encouraging non-conforming lots just to make money. Ms. Gerrish also stated other homes in the area have sold, and she does not believe the Fireworks District has caused the devaluation of the property. The home is old, in disrepair and vacant. Board member Glen Openshaw confirmed with Mr. Sweeney that his argument is the property has been devalued by the Fireworks District clean-up, and the addition of a second home will remedy this devaluation. Mr. Sweeney also stated that wetlands to the rear make other development options impossible such as a retreat lot. The Chair stated the Board will review case law and conduct a property site visit. The Board voted to continue the hearing to March 10th at 7:30 pm.

Public Hearing – 65 Paul Road – Variance – ZBA 21-1

The Board opened a public hearing for Michael and Kaitlin McDougall, property address 65 Paul Road, Hanover, MA, Map 21, Lot 12, Residence A District. The applicants are requesting a variance from the rear setback, Bylaw Section 7.410 – Table 7-1, for the installation of a swimming pool. The Chair Matthew Perkins read the hearing notice into the record. The Board voted to waive the reading of the abutters list. The Chair reviewed all documents submitted. Kaitlin McDougall explained the plan to add a swimming pool. The lot is odd shaped, there is a well for irrigation in the backyard, and the septic is in the front yard. Mr. McDougall is a disabled veteran with a knee injury, and will use the pool for exercise. The Chair opened the floor to public comments. Dan Mantell of 64 Paul Road stated he has no objections to the project, and the McDougall’s are good neighbors. The Chair stated the Board will conduct a property site visit. The Board voted to continue the hearing to March 10th at 7:30 pm.

Flood Plain Bylaw

The Board discussed proposed changes to the flood plain bylaw necessary as part of the Cape Cod Watershed mapping update to ensure Hanover’s continued participation in the National Flood Insurance Program (NFIP). Ann Lee, Director CD & MI/Assistant TM, explained the bylaw changes are across all municipalities and required by the State to keep Towns up-to-date. Board member Glen Openshaw would like the changes reviewed by Town Counsel and asked if a written opinion can be submitted to the Board. Ms. Lee stated it will be arranged.

Review of Minutes

The Board voted to approve the meeting minutes of January 6, 2021 as written.

Adjournment

The meeting adjourned at 8:24 pm.

Next Meeting

Wednesday, March 10, 2021