



Hanover Zoning Board of Appeals
550 Hanover Street
Hanover, MA 02339
Meeting Minutes
Wednesday, April 15, 2020 – 7:30 pm
Via Conference Call

Committee Attendees

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

Other Attendees

Stephen Hamilton, Applicant
Robert Tombari, Tombari Law Group

Opening

Chairman Matthew Perkins opened the meeting at 7:32 pm.

Continuation - Public Hearing for 168 Myrtle Street – Case 20-1

The Board re-opened a public hearing for 168 Myrtle Street, Map 61, Lot 22 Residential Zone. The applicant, Stephen Hamilton, is requesting a variance under Section 7.410 from the front setback and side setback for construction of an addition to the home. The Chair noted that a site visit was conducted at the property on April 2, 2020 at 10:30 am and asked if Board members had any comments or questions regarding the case. Board member Brian Callow asked Mr. Hamilton about the prior special permits and variances granted for the property. Mr. Hamilton stated there were two prior additions to the home in 2003 and 2007 that required the Board's approval. The original home was 920 square feet and now is 1400 square feet which is in keeping with the size of surrounding homes. Board member Fred Adami expressed his opinion that no hardship is present and nothing is unique about the soil or topography. Mr. Hamilton stated the original home is pre-existing, non-conforming and is only 23.7 feet from the front setback. The proposed addition will not increase the front setback non-conformance as it will be 30.4 feet from the front setback. The side setback variance requested is 6.7 feet with the proposed addition being 13.3 feet from the setback. Mr. Hamilton added that the proposed addition is needed to accommodate his care dependent sister and father in the home. The Board suggested that maybe an in-law would be acceptable. Mr. Hamilton stated that another kitchen would not be necessary as his sister cannot cook for herself. Mr. Hamilton explained adding toward the side setback is the only option since the septic is directly behind the home. Board member David Connolly asked who owns the vacant lot to the left of the property. Mr. Hamilton stated he does not know the owner; however, he did look into buying the

property in 2005. The Board directed that abutter lists be included in their meeting binders for each case. The Board stated they will require an official stamped plan from the applicant in order to approve the variance.

Board member David Connolly made a motion to approve the variance (with the special condition of submittal of a fully engineered, stamped, sealed plan) given that the lot is a pre-existing, non-conforming lot, the location of the septic prevents adding to the rear of the home, there is no abutter opposition and the addition is needed to assist care dependent family members. The motion was seconded by Board member Glen Openshaw. Chair Matt Perkins and Board members Brian Callow and Christopher Bernard were in favor. Board member Fred Adami was not in favor of approval. The motion passed. The Board voted to close the hearing and will await the official plans from the applicant.

Informal - Attorney Robert Tombari

The Board met with Robert Tombari for an informal discussion regarding Article 43 of the Annual Town Meeting Warrant regarding amendments to the Zoning Bylaw affecting gas/service stations. The Board stated that given the pending case before them regarding the property at 1437 Washington Street, which is the genesis of this warrant article, they will listen to Mr. Tombari but make no comment.

The warrant article would allow gas/service stations to offer three different services simultaneously, these being gas purchases, auto repair service and retail/food purchases. Currently, the bylaw requires gas/service stations to choose two services only and does not allow all three to be offered at one business simultaneously. Attorney Bob Tombari explained to the Board the history behind the warrant article. Mr. Tombari represents the owner, Ronnie Abboud, of the Shell station at 1437 Washington Street, Hanover. Mr. Abboud completed renovations to the interior of his premises and increased the square footage of retail space from 200 ft.² to 999 ft.² which is what is allowable under the Board of Health. Plans were drawn in April of 2019, and the renovations were permitted through the Hanover Building Department. In June 2019, another business was interested in expanding their retail area. As a result, the issue was brought to the attention of the Hanover Building Department. A letter was sent to Mr. Abboud informing him of the violation of the Zoning Bylaw as his retail space was too large and his gas/service station was offering three services simultaneously. Initially Mr. Tombari filed a variance request with the Board, but decided to put that on hold to see if the Planning Board would support changes proposed in a warrant article. Mr. Tombari stated modifying the bylaw would also benefit other gas/service stations in Hanover. The Board of Health has no objections as all the foods sold in the retail space are pre-packaged and sealed so no open food is being handled. Mr. Tombari met with the Hanover Advisory Committee, and they have no outward objections to the warrant article. After meeting with the Planning Board, the main concern is having satisfactory parking available at each location, and safety concerns with multiple cars moving in and out of the locations. Mr. Tombari stated the proposed bylaw change still gives the Hanover Planning Board oversight. Mr. Tombari thanked the Board for their time and attention.

Review of Minutes

The Board voted to approve the minutes for March 25, 2020 as written.

Adjournment

The meeting adjourned at 8:24 pm.

Next Meetings

April 29, 2020