

COMMONWEALTH OF MASSACHUSETTS
HOUSING APPEALS COMMITTEE

511 WASHINGTON STREET, LLC

v.

HANOVER ZONING BOARD OF APPEALS

No. 06-05

DECISION

January 22, 2008

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Appellant

v.

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Appellee

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I. PROCEDURAL HISTORY

This case involves a completed development of affordable, mixed-income, rental apartments that has experienced financial difficulties. On January 21, 2003, the Hanover Board of Appeals granted a comprehensive permit pursuant to G.L. c. 40B, §§ 20-23 to 511 Washington Street, LLC to build a 74-four-unit, age-restricted¹ development on a 3.9-acre site on Route 53 in Hanover. Pre-Hearing Order, § II-1 (Mar. 23, 2007). Construction of the development—called North Pointe—was completed, and rental of individual units began in February 2005. Tr. I, 55. On August 5, 2005, the developer filed a notice of project change seeking to change the development to age-restricted condominium units. Pre-Hearing Order, § II-3. By decision filed with the town clerk's office on April 5, 2006, the Board denied the change, and the developer appealed to this Committee on April 18, 2006. Pre-Hearing Order, §§ II-6, II-7. While the appeal was pending, the developer filed an alternative notice of project change, requesting that it be permitted to change the development to non-age-restricted rental housing, and the Board

1. Occupancy of the units would be limited to households with one member over 55 years of age.