

COMMONWEALTH OF MASSACHUSETTS
HOUSING APPEALS COMMITTEE

511 WASHINGTON STREET, LLC

v.

HANOVER ZONING BOARD OF APPEALS

No. 06-05

DECISION

January 22, 2008

TABLE OF CONTENTS

I.	PROCEDURAL HISTORY	1
II.	FACTS	2
III.	PRELIMINARY LEGAL ARGUMENTS	6
	A. Approval of the Change by the Subsidizing Agency or Project Administrator	6
	B. Waiver by the Developer	6
	C. The Developer's Responsibility	7
III.	BURDEN OF PROOF	9
	A. Burden of Proof concerning the Denial of a Change after Issuance of a Permit	9
	B. The Standard if Causality is in Question	10
IV.	DISCUSSION	12
	A. The Age-Restricted Development is Uneconomic	12
	1. The Developer's Presentation	12
	2. The Board's Presentation	13
	B. Local Concerns	14
V.	CONCLUSION	15