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Town denies Hollis Hills permit

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LUNENBURG -- The town's zoning board of appeals on Tuesday denied a comprehensive permit for Hollis Hills, an affordable housing project that would have added 126 condominiums here.

Board members listed several problems they have with the project. They questioned whether the developer has the right to build out Carr Avenue, an undeveloped street, for the project, and said an 11.8-acre real estate deal with Sky Cycle, a motorcycle dealership now under a new name and ownership, raised legal complications.

Members also said the project -- proposed for about 33 acres near Whalom Lake - - created traffic, sewer and safety problems.

In its decision, the board wrote the construction of Carr Avenue "imperils the health and safety of Lunenburg residents and the potential purchasers of the homes" for several reasons, and "there will be a serious adverse impact from the vehicular traffic from 126 homes on neighboring streets."

The developer, McCarty Associates Inc. of Leominster, said it would withhold comment about an appeal until the board formally files its decision with the town clerk's office. They have a three-week window to appeal once that happens.

Edith M. Netter, the town's consultant on the project, said during the board's mid-afternoon meeting that she fully expects McCarty Associates to appeal.

"They have so many sunk costs into this," Netter said.

Hearings on Hollis Hills originally started in March 2006, when the project proposal contained 146 units. Twenty were eliminated as hearings progressed.

The final proposal consisted of a mix of three- and two-bedroom condos.

The developer had proposed the project under state statute Chapter 40B, meaning it could bypass the town's zoning laws if one quarter of the units are reserved for owners with no more than 80 percent of the median income. Thirty-two of Hollis Hill's units were scheduled to fit that category.

Though zoning restrictions are eased on such projects, they still must be approved by a town's zoning board of appeals, as well as state housing authorities.

The Lunenburg zoning board had drafted an approval for Hollis Hills earlier this month, but changed course last week and issued a preliminary 3-2 vote denying it. They reaffirmed that vote Tuesday.

Chairman Donald F. Bowen, James Besarkarski, and Hans Wentrup denied the project. Members Raymond Beal and Alfred Gravelle voted against the denial.

The board's written decision also raised concerns about the development's sewer service, saying that providing it a link to the town system would be "inconsistent with the town's planning goal."

It also said Hollis Hills is "inconsistent with the town's Planned Production plan approved by the Department of Housing and Community Development," and its impact on pedestrian safety around Whalom Lake "is of critical concern."

Also of specific concern was the driving range located near Carr Avenue. Bowen repeatedly said golf balls from there could harm pedestrians, cars or homes.

Members also said during the hearing they felt pressured by McCarty Associates earlier this year to reach a decision quicker than they would have liked.

They noted in the written decision that "the application was not complete until the end of the public hearing process, at which time the applicant submitted a plan showing the locations of the uses abutting Carr Avenue. The board did not have adequate time to consider the impact of Carr Avenue on the abutting uses."