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Developer: I'll lose if other project wins approval

By Shawn Boburg
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GEORGETOWN -- Developer K. William Krikorian is in a race to build condominiums here, and he says coming in second place could mean the money he has spent and his months of work are all for nothing.

Krikorian, who wants to replace Tidd's Junkyard at 47 West St. with 20 condos for elders, fears that if a proposed apartment complex on Norino Way is approved by the Zoning Board of Appeals before his project is voted on, he could be kept from taking advantage of the state's "anti-snob" law, or 40B legislation.

The law allows developers to bypass local zoning laws in communities with less than 10 percent affordable housing in exchange for selling a quarter of the proposed housing to low- or moderate-income buyers.

If a complex of 186 affordable apartments on Norino Way -- one of the town's three current 40B applications -- is approved by zoning officials, the community would reach the 10 percent mark and would not be obligated to entertain proposals from Krikorian or any other developer under the state law.

At a sometimes fiery hearing with the zoning board last night, Krikorian and his lawyer, Scott Gleason of Haverhill, argued that the board was not quick enough in deciding on the proposal.

"I have bent over backwards working with neighbors and elected town officials and I've spent a lot of money on this project so far," Krikorian told the board. "And it's at risk."

Krikorian's lawyer lashed out at the board's request for a

time-consuming environmental impact study of the contaminated junkyard.

"That's not fair and that's not right," Gleason shouted at the board regarding the study request.

But board Chairman John Bonazoli said the study would address a "primary issue" -- whether removing the old cars from the junkyard would expose otherwise stable soil contaminants to the nearby town wells.

Krikorian refused to agree to pay for the study -- which he said would be a wasted investment if Norino Way was accepted in the meantime -- unless zoning officials could "give him some protection from the 10-percent rule."

Krikorian wanted a guarantee that if the 10-percent mark is reached before a vote on his plan, he would still have recourse to appeal the decision to the state if Georgetown zoning officials deny his proposal.

Under the 40B law, if a development is not approved by zoning officials in a community under the 10-percent requirement, the decision may be overruled by state officials.

Gleason said he "had to assume the worst" -- that the Norino Way proposal would be accepted before Krikorian's project -- and he and Krikorian pleaded with the board to ensure that the apartment complex would not affect the West Street proposal.

"We'll do whatever it takes," Gleason said. "Just give us the one thing we ask for."

But zoning officials said they did not have the authority to grant such a guarantee and argued that if the development were truly beneficial to the town, as Krikorian has asserted, then the board would approve it under normal zoning procedures.

"You're panicking," board member Jonathan Pingree told Krikorian. "You're assuming that we would deny this (under normal zoning bylaws) which isn't necessarily true."

But Krikorian said he was "being a realist."

He said a comment by Bonazoli last week made him realize that his project was "in jeopardy." The comment came after Norino Way developers cut the number of units in their proposal by nearly half, making the project more palatable to zoning officials and possibly moving it closer to an approval that would close the 40B window to Krikorian's plan.

Zoning officials voted to continue the hearing for the West Street proposal to Sept. 4, two weeks after the board will meet with the applicants from Norino Way. Krikorian and Gleason protested the continuance.

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