



TOWN OF NORTHBRIDGE

ZONING BOARD OF APPEALS

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Approved on September 10, 2009

ZONING BOARD OF APPEALS

MINUTES OF MEETING

JULY 9, 2009

This meeting was called to order at 7:00 P.M. by Chairman Thomas Hansson. Other members present were: William Corkum, Diane Woupio, Sharron Ampagoomian, Carol Snow, and Brett Simas. Also present was Brenda Ouillette, Administrative Assistant.

Absent from this meeting were Stephen Witkus and Harold Hartmann.

A motion was made by Diane Woupio to approve of the minutes of June 11, 2009, motion seconded by William Corkum, the vote being unanimous.

PUBLIC HEARING; 7-V-09 – RICHARD & LAURA BARBETTA, APPLICANTS

This hearing was held on the petition of Richard & Laura Barbetta, 760 Church St., Whitinsville, for a Variance from setback requirements pursuant to Article VI, Section 173-19 Note (2) of the Northbridge Zoning By-laws, Table of Area Regulations, in order to allow the construction of a 19 ft. x 23 ft. addition to the pre-existing, non-conforming structure located on a corner lot.

The property, shown on Assessor's Map 23A as Parcel 58, is located at 760 Church Street, Whitinsville, in a Residential-3 zoning district. The property is owned by Richard P. & Laura M. Barbetta.

Present on behalf of the applicants was Doug Picard, contractor for the proposed addition. Mr. Picard stated that the applicant is seeking to construct single story addition with a crawl space under consisting of a bedroom and bathroom. This would be to accommodate their elderly parents. There would be a slider to the rear of the addition for egress. Currently there is a 9 x 9 porch located there but that will be removed. He stated that because of the location of the inground pool and kitchen in the existing house, this is the only feasible place to construct the addition. The closest point of the proposed addition to the street would be 7.4 feet.

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Leo Decoteau, Laura Barbetta's father, was present and stated that they often visit and this addition would provide them with a bedroom and bathroom on the first floor. They owned the property prior to him selling it to his daughter and a bathroom on the first floor was always their intent but they never went through with it.

Robert Lachapelle, 92 Plummer Ave. expressed his opposition. He owns the property that the Hess Gas Station is located on. He suggested that they construct the addition to the rear of the existing house. In his opinion there is no hardship as the applicant does have another location to construct the addition. Mr. Lachapelle stated there were issues when he tried to develop his property (Hess Gas Station) and he had to get a by-law change through town meeting.

Mr. Picard responded by stating that part of the pool would have to come out and the access would be difficult. There is a cost factor as well.

Ms. Ampagoomian asked Mr. Picard why they couldn't move it back along that same side of the house. Mr. Picard state that there is a driveway they would run into. He could move the driveway but that would also be an additional expense.

Associate Member Brett Simas asked Mr. Lachapelle if his concerns were aesthetics or principal. Mr. Simas stated that he drove by their today and from a neighborhood perspective it actually creates more privacy for the neighborhood because the proposed addition will block more of Church St. which is a busy road. If he were living there he would look at it as, yes it is closer to the road but it creates more privacy in the neighborhood. That is just his opinion.

Mr. Lachapelle felt that the Board is setting a precedent by allowing this. The driveway could be moved at minimal expense or the applicant could put it on the rear of the house with some remodel work to the main house. Mr. Simas stated that each case is looked at individually by the Board.

Board members were in agreement that the lot and structure are pre-existing non-conforming and the location of the existing inground pool and the fact that it is a corner lot creates a hardship for the owner. There were no direct residential abutters present or residential abutters from the neighborhood who spoke in opposition. The Board felt that relief could be granted from the dimensional requirements without detriment to the neighborhood and without nullifying or derogating from the intent of the by-law.

A motion was made by Carol Snow to grant the variance for the 19 ft. x 23 ft. addition as shown on the plan submitted, entitled "Zoning Board of Appeals Plan of 760 Church Street" dated June 5, 2009 prepared by Andrews Survey & Engineering, Inc. for Richard P. & Laura M. Barbetta. The motion was seconded by Diane Woupio, the vote being 5-0 in favor.

OLD & NEW BUSINESS

Comprehensive Permit Application Decision (13-CP-07)

This is an application to construct 124 townhouse-style condominium residential units on a 39 acre parcel located at Highland Street, shown on Assessor's Map 15 as Parcel 86. The

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application was received on June 25, 2007 and by agreement with the applicant, the public hearing was opened on August 9, 2007 and closed on June 11, 2009.

A final draft of the decision was prepared by Attorney Laura Pawle, Kopelman and Paige. Attorney Pawle was present and briefly reviewed the decision with the Board.

After consideration of the testimony and the exhibits presented during the hearings, the Board of Appeals upon motion of Diane Woupio, seconded by Sharron Ampagoomian, voted, five (5) in favor, none (0) opposed, to grant the comprehensive permit with the waivers and conditions as specified in the decision. All five of the members voting on this decision were present at each and every meeting concerning this issue. Those members voting were Sharron Ampagoomian, Diane Woupio, Carol Snow, William Corkum and Thomas Hansson.

There being no further business the meeting was adjourned.

Attested by,

Brenda M. Ouillette
Administrative Assistant

THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE ZONING BOARD OF APPEALS (Approved on September 10, 2009)