



TOWN OF NORTHBRIDGE

ZONING BOARD OF APPEALS

Aldrich School Town Hall Annex

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Approved on March 8, 2012

ZONING BOARD OF APPEALS

MINUTES OF MEETING

FEBRUARY 9, 2012

This meeting was called to order at 7:00 P.M. by Chairman Thomas Hansson. Other members present were:

Carol Snow, Member
Sharron Ampagoomian, Member
Diane Woupio, Member
William Corkum, Member
Brett Simas, Associate Member
Daniel Batt, Associate Member

Associate Member Harold Hartmann was not in attendance.

A motion was made by Sharon Ampagoomian to approve of the minutes of December 8, 2011. The motion was seconded by William Corkum and the vote was 4-0 in favor. Voting on the minutes were Sharron Ampagoomian, William Corkum, Thomas Hansson, and Brett Simas.

Carol Snow, Diane Woupio, and Daniel Batt abstained from voting as they were not present at the December meeting.

Reorganization of the Board

A motion was made by Diane Woupio to nominate Thomas Hansson as Chairman. The motion was seconded by Sharron Ampagoomian and the vote was unanimous.

A motion was made by Diane Woupio to nominate William Corkum as Vice-Chairman. The motion was seconded by Sharron Ampagoomian and the vote was unanimous.

A motion was made by Diane Woupio to nominate Sharron Ampagoomian as Clerk. The motion was seconded by Thomas Hansson and the vote was unanimous.

PUBLIC HEARING: 01-V-12 SCOTT & KATHLEEN MURPHY, APPLICANTS

This hearing was held on the petition of Scott & Kathleen Murphy, 402 Benson Road, Northbridge, MA for a Variance from front and rear setback requirements pursuant to Article VI, Section 173-19 of the Town of Northbridge Zoning By-laws, Table of Area Regulations, in order to allow the construction of an addition to the existing house for a new garage, kitchen, and deck.

The property is located at 402 Benson Road, shown on Assessor's Map 16 as Parcel 65 consisting of 15,462 sq. ft. The property is located in a Residential-2 zoning district and is owned by Scott & Kathleen Murphy.

Sharron Ampagoomian read the public hearing notice. Assigned to the hearing by the Chairman were Thomas Hansson, Carol Snow, Diane Woupio, William Corkum, and Sharron Ampagoomian.

Representing the applicants was Jay Melick, the designer of the proposed addition. He explained to the Board that his clients would like to expand their existing kitchen and construct a garage. They are also proposing to construct a 12 ft. x 12 ft. deck on the rear of the new addition. The owner of the house is disabled and a garage is needed that can accommodate a van and a vertical lift in an enclosed space (out of the weather) to allow access to the main living level of the house. The existing kitchen is 7ft. by 9 ft. and very small for disabled person to be able to move around in with a wheelchair. Overall there is a proposed 684 sq. ft. of new interior finished space excluding the garage area. The existing house is compatible with surrounding homes as it relates to house size, lot size, and house placement.

Mr. Melick argued that the lot is pre-existing, non-conforming due to an area deficiency and a frontage deficiency and has limited area to add a garage. The existing lot is 15, 462 sq. ft. and today's requirement with an on-site septic system would be 40,000 sq. ft. The topographic conditions on the right side of the property make it the best location for the garage as there is a gradual slope on that side.

Board Member Daniel Batt stated that the plot plan submitted did not show the proposed deck but the detailed house plans did. The setback from the proposed structure is 33 ft. but the addition of a 12 ft. deck would bring it within 21 ft. of the rear property line. His concern isn't so much the width but the depth of the addition. He understands the hardship involved but the proposed addition is very large and encroaches on the property to the rear especially with the addition of the deck.

Ellen Federici 517 Highland St expressed her concerns. She lives directly behind the subject property. She and her husband purchased their property about 8 years ago and at that time they did consider the privacy issue but they went ahead and purchased it and planted some shrubbery for privacy. The Murphy's put an addition on the house about 2 years ago and at that time they did not express any concerns or object to it because they were aware of Mr. Murphy's condition and understood the situation. That addition consists of a bedroom and bath with a finished basement downstairs and a walkout patio. Her concern now is that they are overbuilding their property.

Mr. Melick explained that the garage is separated by a door for a mudroom and a whole new kitchen to the rear of the garage. The kitchen/dining area will be 16 ft. x 24 ft. and the garage

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will be 24 ft. x 28 ft. The addition will also consist of a mudroom and pantry for an overall size of 34 ft. x 44 ft. excluding a proposed 12 ft x 12 ft. deck. The existing house is 1384 sq. ft. and the addition is 1426 sq. ft for a total square footage of 2810 sq. ft.

Chairman Thomas Hansson asked Mrs. Federici if her only issue was the proposed deck. She replied that she had a problem with the entire addition as proposed. Modifications to enlarge the kitchen area should have been addressed when they built the previous addition working within the footprint of the house. She stated that all of the surrounding lots are small but overbuilding the lot is not the answer. This addition would be detrimental to the abutting properties and it would be very difficult for her to ever sell her house because of the privacy issue. There is limited privacy now and bringing the deck to within 21 ft. of her property line would make it more detrimental to them. They are asking that they work within the setback requirements of the lot or at the very least the rear setback requirement as the front setback is not an issue.

Board Member Sharron Ampagoomian stated that the lot is already non-conforming and they are not making it more non-conforming. Chairman Thomas Hansson clarified the issue by stating that because the lot is pre-existing, non-conforming it is the Board's job to determine if the proposed addition will be more detrimental to the neighborhood and surrounding properties.

Board Member Brett Simas asked if some type of fencing would help. Mrs. Federici replied that she did not believe it would due to the elevation of the Murphy property. It would have to be an extremely high fence.

Board Member William Corkum stated he was confused because the proposed plot plan shows the addition without the deck but the detailed house plan shows a deck. The deck has to be included on the proposed plot plan because it has to be included in the setback. He also questioned why a two car garage is being proposed and not a one car garage.

Board Member Sharron Ampagoomian asked for a clarification as to what is actually being proposed and the plan that the Board should be considering. Mr. Melick replied that the plan that shows the deck on it which would bring the proposed structure within 21 ft. of the rear property line. The house does not meet setback requirements now because of the previous addition that was built in 2009. This new proposed addition will not meet the 40 ft. front and rear setback requirement. She asked if the deck could be eliminated or built somewhere else. Mr. Melick replied that it could be eliminated if his clients agreed.

Mrs. Federici argued that the proposed addition is going to be more detrimental to them both personally and financially because the Murphy's are building an oversize house. They are bringing an elevated deck within 21 feet of their property line which will have a negative impact on her property as the proposed addition and deck would be "looking down" on their property. She stated that she understands the circumstances but she believes it can be accomplished within the rear setback requirement. The proposed addition could be built flush with the rear of the existing house. Even the most recent addition was built within 45 ft. of the rear property line, which is well within the requirement. She felt modifications could be made to work within the setbacks for the new addition. She would have no issues if the addition, including the deck, were flush with the rear of the existing house.

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Board Member Sharron Ampagoomian stated she would like to continue the public hearing to allow Mr. Melick an opportunity to speak with his clients to discuss some of the issues discussed this evening. It is a very small lot and consideration should be given to the property owner.

Ms. Federici responded that she understands the circumstances but some consideration should be given to the abutters as well. They purchased their property knowing it was a small lot and they were amendable to the Murphy's when they built the previous addition. However, when they bought their house if the proposed addition had already been built with the deck they probably wouldn't have purchased the property. They are now being asked to accept something above and beyond.

Board Member Sharron Ampagoomian replied that she does understand the situation but it gives the applicant an opportunity to speak with his client and maybe come back with a revised plan.

Tracy Harrigan, 384 Benson Rd., direct abutter, stated that updates to the house have been done and perhaps a larger kitchen should have been considered at that time. The proposed addition is a lot more structure on a small lot.

A motion was made by Sharron Ampagoomian to continue the public hearing until March 8, 2012. The motion was seconded by William Corkum, the vote being 5-0 in favor of continuing.

Board Member Daniel Batt asked that another site plan be submitted showing the deck as well as a complete plan of new and existing.

Board Member William Corkum suggested that the neighbors take pictures as well to give the Board an understanding of the topography of the property and the proximity of the structures.

OLD/NEW BUSINESS

Board Members reviewed the correspondence given to them regarding remote participation. (940 CMR 29.10) All members were in agreement not to support adopting this regulation. A motion was made by Thomas Hansson not to support remote participation, the motion was seconded by Sharron Ampagoomian and the vote was 7-0 in favor of the motion.

There being no further business, the meeting was adjourned at 8:30 P.M.

Attested by,

Brenda M. Ouillette
Administrative Assistant

THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE ZONING BOARD OF APPEALS (Approved on March 8, 2012)