



TOWN OF NORTHBRIDGE

ZONING BOARD OF APPEALS

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Approved on May 13, 2010

ZONING BOARD OF APPEALS

MINUTES OF MEETING

MARCH 11, 2010

This meeting was called to order at 7:00 P.M. by Chairman Thomas Hansson. Other members present were: Carol Snow, Sharron Ampagoomian, William Corkum, Stephen Witkus, Brett Simas, Harold Hartmann and new Associate Member, Daniel Batt. Also present was Brenda Ouillette, Administrative Assistant.

Absent from this meeting was Diane Woupio.

A motion was made by Sharron Ampagoomian to approve of the minutes of January 14, 2010, motion seconded by Stephen Witkus the vote being unanimous.

Carol Snow and Harold Hartmann abstained from voting as they were not present at the January 14th meeting.

PUBLIC HEARING: (01-V-10 & 02-V-10) JUDITH BROOKS, APPLICANT

This hearing was held to consider the petitions of Judith Brooks, 1413 Providence Rd., Whitinsville, MA for two (2) Variances pursuant to Article VI, Section 173-19, Table of Area Regulations, in order to allow the construction of a single family home on a lot located on Benson Rd. The lot does not meet the 75% upland requirement and the proposed location of the house does not meet the rear setback requirement.

The property, shown on Assessor's Map 23 as Parcel 139, is located on Benson Rd. in a Residential-2 zoning district and is owned by Judith Brooks.

The public hearing was opened at 7:05 P.M. with the reading of the public hearing notice by Board Member Sharron Ampagoomian. Assigned to this hearing by Chairman Thomas Hansson were: Carol Snow, Sharron Ampagoomian, William Corkum, Stephen Witkus, and himself.

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Presenting the petition was William Drexel of Northwest Engineering Services. Also present was Judith Brooks. Mr. Drexel stated that the lot was created in 1989 but the By-law came into effect in 1986 and the lot does not meet the 75% upland requirement. Mr. Drexel stated that he had no idea what happened back then. That By-law states that at least 75% of the minimum lot area required for zoning shall be contiguous and the structure must be constructed on said designated contiguous land area. This lot is primarily comprised of wetlands and also borders a vegetative wetland. Due to the extent of the wetlands, the applicant filed a Notice of Intent (248-572) with the Conservation Commission. As a result of that Public Hearing on October 14, 2009, in a memo dated January 11, 2010 sent to the Planning Board, the Commission questioned the ratio of upland to the wetland and they suggested that the engineer check with the Building Inspector on the zoning requirements for the ratio. Also in that same memo, the Conservation Commission recommended that the lot be left undeveloped but should it be deemed buildable, they suggested that the disturbed area be kept at a minimum and the driveway and building be permitted as close as possible to the lot boundaries. The Planning Board did grant a Special Permit on January 12, 2010 to allow the driveway to be located within 10-feet of the side lot line.

In a memo to Chairman Thomas Hansson dated February 2, 2010, the Conservation Commission recommended a variance from the forty foot setback from the rear property line. The lot appears to be over 70% wet and this project will result in an alteration of the wetland resource in order to construct the driveway. The Conservation Commission has also proposed waiving the wetland replication requirement in order to not further reduce useable upland area. However, their waiver is of no consequence without similar relief from the setback requirements because the bulk of useable upland falls within that setback. Allowing the relief from the setback requirement would reduce the wetland impact.

The Conservation Commission has continued their public hearing until a decision has been made by the Zoning Board of Appeals on the upland issue.

Judith Brooks stated that one of her nieces owns the property on one side of this lot and another niece owns the property on the other side. Her nephew owned this lot but has since signed it over to her. Her niece to the left will be granting her a sewer easement across her property which will allow Ms. Brooks to tie into the town sewer.

Chairman Thomas Hansson asked Mr. Drexel what type of house they planned on building there. He replied a two bedroom cape with a walk out basement. Because of the water table there would be just enough foundation to get it above the ground. It would be a two story house with and unfinished attic area on the second floor.

No one spoke in opposition.

A motion was made by Stephen Witkus to close the public hearing for the variance from setback requirements and take the matter under advisement. The motion was seconded by Sharron Ampagoomian, the vote being unanimous.

A motion was made by Stephen Witkus to close the public hearing for a variance from upland requirements and take the matter under advisement. The motion was seconded by Sharron Ampagoomian, the vote being unanimous.

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Board members discussed the petition at length. There appeared to be some confusion as to the 75% upland requirement and the comments from the Conservation Commission. Ms. Ampagoomian stated that if the Conservation Commission had indicated that there was no way it could be done, then she would have agreed with them. However, their memo does not indicate that.

Board Member Stephen Witkus was adamant about adhering to the By-law. Allowing a variance would be setting a precedent. The lot is over 70% wet and in this case the By-law should be upheld.

Board Member Brett Simas stated that the By-laws were written by the townspeople's representatives for due reason. He noted that while the Conservation Commission memo expressed support for a variance to the setback requirement, and their waiver of the replication requirement, it did not include an opinion regarding a variance to the upland requirement. He stated it would be helpful to understand the opinion of the Conservation Commission regarding the upland requirement relative to Ms. Brooks' parcel. Baring that opinion and given this lot is so far below the 75% requirement, he questioned the basis on which the board might grant the variance. He said if it were close to the requirement, perhaps it would be a different story.

Board Member Bill Corkum was concerned because there was no replication being done and in his opinion the diverted water has to go somewhere.

A motion was made by Stephen Witkus and seconded by William Corkum, to deny the variance from the upland requirement. The vote was 2-3 in favor and the motion did not carry.

After additional discussion, Stephen Witkus made another motion to deny the variance from the upland requirement, motion seconded by William Corkum, supported by Carol Snow and Thomas Hansson, bringing the vote to 4-1 in favor of denying the variance. Sharron Ampagoomian voted in opposition.

A motion was made by Carol Snow to grant the variance from the rear setback requirement as submitted on the plan dated January 2010, titled "Notice of Intent Submission Site Plan" prepared by Northwest Engineering Services, LLC. The motion was seconded by Sharron Ampagoomian, the vote being 3-2 in favor of granting the variance. William Corkum and Stephen Witkus voted in opposition.

Tom Hansson will write the decisions.

PUBLIC HEARING: (03-V-10) DAVID M. BLODGETT, APPLICANT

This hearing was held on the petition of David M. Blodgett, 582 Highland St. Northbridge, MA for a Variance from side setback requirements pursuant to Article VI, Section 173-19, Table of Area Regulations, in order to allow the construction of an attached carport to the existing dwelling located at 582 Highland St., Northbridge, MA.

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The property, shown on Assessor's Map 21 as Parcel 12, is located in a Residential-2 zoning district and is owned by David M. Blodgett.

The public hearing was opened at 7:20 P.M. with the reading of the public hearing notice by Board Member Sharron Ampagoomian. Assigned to this hearing by Chairman Thomas Hansson were: Carol Snow, Sharron Ampagoomian, William Corkum, Harold Hartmann and himself.

David Blodgett presented the petition. He stated that he is currently in the process of renovating the existing house with a new roof, siding, and windows. He would like to add the carport during those renovations using one side of the house for support for the carport. The existing house has a single car garage under and they would like additional cover for the second vehicle. The lot narrows from 100 ft in the front to 48 ft. in the rear. The property is paved on that side of the house where the carport would be constructed. The carport would be open on three sides and there are small trees on the boundary line that are taller than the proposed structure so it would not be a hindrance to the neighbor on that side.

Chairman Thomas Hansson stated to Mr. Blodgett that in a memo dated March 10, 2010, the Building Inspector has requested that should the variance be granted, that the property be surveyed prior to the issuance of a building permit to ensure that the structure does not encroach any closer to the property line than shown. The plan submitted indicates an approximate two foot setback from the property line. Mr. Blodgett stated that they took the measurements from the surveyed plot plan of the neighbor and it is an approximate. Mr. Hansson stated that a condition of the variance, should it be granted, would be that a tape survey be prepared and submitted to the Building Inspector when he submits his application for a building permit.

Gloria Saucier, 576 Highland St. was present in support of the variance. She directly abuts the property.

A motion was made by Carol Snow to close the public hearing and take the matter under advisement. The motion was seconded by William Corkum, the vote being unanimous.

Board members were in agreement that the lot and structure were pre-existing, non-conforming. The abutter most affected by this structure was present and supported the variance. There was no opposition. The fact that a tape survey would have to be done prior to the issuance of a building permit will ensure that the proposed structure will not encroach upon the abutting property.

A motion was made by Carol Snow to grant the variance from side setback requirements as shown on a plan submitted with the following conditions:

- That the applicant has a tape survey prepared and submits it along with his application for a building permit.
- That the carport remains open on 3 sides.

The motion was seconded by Sharron Ampagoomian, supported by Carol Snow, William Corkum, Harold Hartmann and Thomas Hansson, the vote being 5-0 in favor.

Carol Snow will write the decision.

PUBLIC HEARING: 4-SP-10 BONNIE & SHAWN PICARD, APPLICANTS

This hearing was held to consider the application of Bonnie & Shawn Picard, 745 Benson Rd., Whitinsville, MA for a Special Permit pursuant to Article V, Section 173-12, Table of Use regulations, in order to allow the construction of an addition to convert an existing single family dwelling to a two-family dwelling located at 745 Benson Rd., Whitinsville, MA.

The property, shown on Assessor's Map 21A as Parcel 5, is located in a Residential-3 zoning district and is owned by Bonnie & Shawn Picard.

The public hearing was opened at 7:45 P.M. by the reading of the public hearing notice by Sharron Ampagoomian. Assigned to this hearing by Chairman Thomas Hansson were: Carol Snow, Sharron Ampagoomian, William Corkum, Brett Simas, and himself.

Bonnie Picard was present to discuss her application. Also present was her father Robert Longe. Mr. Longe stated that it is his intent to build an addition for himself with a full kitchen, two bedrooms, and two baths converting the existing single family dwelling to a two-family dwelling. The topography of the lot will allow him to build a two car garage under with living space above equal to the height of the existing house. There is an existing carport and paved driveway on the right side of the existing dwelling.

There will be a new paved driveway on the left of the existing house for the new addition. The addition would be to the rear of the existing house and would not even be visible from the street. The duplex will be under a single ownership. Once built, the entire structure will be resided and re-roofed to match.

No one spoke in opposition as there were no abutters present.

A motion was made by Sharron Ampagoomian to close the public hearing and take the matter under advisement. Motion seconded by Brett Simas, the vote being unanimous.

Board members were in agreement that the addition of another dwelling unit would not have a negative impact on the neighborhood. The property is serviced by town water and town sewer. There will be no additional traffic generated other than an additional vehicle or two for the proposed dwelling unit.

Board Member Carol Snow made the motion to grant the Special Permit to allow the addition to convert the existing single family home to a two-family home as shown on the plan submitted. The motion was seconded by Sharron Ampagoomian, supported by William Corkum, Brett Simas, and Thomas Hansson, the vote being 5-0 in favor.

William Corkum will write the decision.

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There being no further business a motion was made by Sharron Ampagoomian and seconded by Carol Snow to adjourn the meeting at 9:30 P.M. The vote was unanimous.

Attested by,

Brenda M. Ouillette
Administrative Assistant

THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE ZONING BOARD OF APPEALS. (Approved on May 13, 2010)