

# TOWN OF NORTHBRIDGE



## ZONING BOARD OF APPEALS

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*Approved on July 8, 2010*

## ZONING BOARD OF APPEALS

### MINUTES OF MEETING

**JUNE 10, 2010**

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This meeting was called to order at 7:00 P.M. by acting Chairperson Carol Snow. Other members present were: Sharron Ampagoomian, Diane Woupio, Stephen Witkus, Brett Simas, Harold Hartmann and Daniel Batt. Also present was Brenda Ouillette, Administrative Assistant.

Absent from this meeting were Thomas Hansson and William Corkum.

A motion was made by Brett Simas to approve of the minutes of May 13, 2010, motion seconded by Sharron Ampagoomian, the vote being 5-0 in favor. Diane Woupio and Harold Hartmann abstained from voting as they were not present at the May 13<sup>th</sup> meeting.

#### **PUBLIC HEARING: (7-V-10) STEPHEN SMITH, APPLICANT**

This hearing was held to consider the petition of Stephen Smith, 181 Benson Rd., Northbridge, MA for a Variance from front setback requirements pursuant to Article VI, Section 173-19, Note (7) Table of Area Regulations, in order to allow the construction of a detached garage at 181 Benson Rd., Northbridge, MA.

The property, shown on Assessor's Map 17 as Parcel 139, is located in a Residential-2 zoning district and is owned by Stephen Smith.

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 Acting Chairman Carol Snow were Sharron Ampagoomian, Diane Woupio, Brett Simas, Stephen Witkus and herself.

Stephen Smith was present and stated that he is requesting a variance to construct a detached garage not less than 35 feet from Benson Rd. The requirement is 60 ft. His intent is to construct a 2 ½ bay garage with storage above, salt box construction. He stated that because the land slopes off sharply to the rear of the property, locating the garage 60 ft. from the road would create a hardship for two reasons. Due to the severe slope of the land he would have to construct a retaining wall and his well is located to the rear of the property and he would have difficulty accessing that well for any type of maintenance. The location of the proposed garage would not require tree cuttings

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and would basically be hidden from Benson Road due to the existing trees located along the road. The garage would be to the left of the existing driveway with the doors facing the driveway.

Board Member Carol Snow noted that the plans indicated the garage would have an overall height of 24 ft. 9 “ and the maximum height for an accessory building is 25 ft.

There were no abutters present to speak in favor or against the petition.

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

The majority of the Board felt that due to the topography of the lot a hardship existed and relief could be granted without substantial detriment to the neighborhood and without nullifying or derogating from the intent of the By-law. The garage would not be highly visible from Benson Road due to the existing tree coverage and locating the garage 60 ft. back would require the construction of a retaining wall and would limit access to the existing well for routine maintenance.

Board member Stephen Witkus did not agree. He stated that he did not believe a financial expense (of building a retaining wall) represented a hardship and felt that by allowing the variance the Board would be setting an undesirable precedent for future petitions.

Board Member Brett Simas stated that he did a visual of the property and other properties along Benson Road and stated that there appeared to be many pre-existing non-conforming accessory buildings and homes in similar proximity to the road, that is, within the 60 and 40 foot set-backs respectively. He stated the proposed garage would be consistent with the layout of the neighborhood and did not represent a departure from the aesthetic feel of the area.

A motion was made by Sharron Ampagoomian to grant the variance from front setback requirements, motion seconded by Diane Woupio, the vote being 4-1. Stephen Witkus voted in opposition of the motion.

There being no further business a motion was made by Sharron Ampagoomian and seconded by Carol Snow to adjourn the meeting at 7:30 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 July 8, 2010)**