

TOWN OF NORTHBRIDGE



ZONING BOARD OF APPEALS

21 Piedmont Street
Whitinsville, MA 01588
(508) 234-0819
Fax# (508) 234-0814

Approved on October 14, 2010

ZONING BOARD OF APPEALS

MINUTES OF MEETING

SEPTEMBER 9, 2010

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

Absent from this meeting was Carol Snow and Daniel Batt.

A motion was made by Sharon Ampagoomian to approve of the minutes of July 8, 2010, motion seconded by Diane Woupio, the vote being 6-0 in favor. Harold Hartmann abstained from voting as he was not present at the July 8th meeting.

Reorganization of the Board

A reorganization of the Board did not take place due to the absence of Carol Snow. It was postponed until the Board's next meeting or until such time as all the members are present.

PUBLIC HEARING: (11-SP-10) The M. Hill Companies, Applicant

This hearing was held to consider the application of The M. Hill Companies, 117 Water Street, Milford, MA for a Special Permit pursuant to Article V, Section 173-18.1 of the Northbridge Zoning By-laws, Retreat Lots, in order to allow the construction of a single family home on a parcel of land that must conform to the requirements of the Retreat Lot By-law.

The property is shown as Lot 9 Prairie Street on Assessor's Map 31 Parcel 102 consisting of 2.76 acres. The property is located in a Residential-1 zoning district and is owned by The M. Hill Companies.

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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: William Corkum, Sharron Ampagoomian, Diane Woupio, Brett Simas and himself.

Present to discuss the application were Norman Gamanche from Guerriere & Halnon and Brian McCann from the M. Hill Companies. Mr. Gamanche stated is at the end of a relatively new subdivision. It has 40 ft. of frontage and no part of the lot narrows, but actually widens out with the lot width at the building line at 245 ft. The requirement is 200 ft. The lot consists of 120,000 sq. ft. of area and the requirement is 80,000. All of the existing wells and septic systems are located on the plan submitted. The front of the lot is fairly open but wooded to the rear of the property. To the rear of the property is the West River which is under the jurisdiction of the Army Corps of Engineers. The flood zone line is 105 ft. to the closest point of the proposed house.

Stephen Witkus 715 Mendon Rd. spoke in opposition. He stated that he felt that the Retreat Lot By-law was created for pre-existing lots and should not apply to newly created subdivisions. The subdivision should have been laid out with every lot having the required frontage of 200ft. He felt the creation of this lot does not fit in with the harmony of the neighborhood which is one of the requirements of the formation of a retreat lot. The cul-de-sac should have been initially designed larger giving all properties 200 ft. of frontage. He also expressed concerns of the house being located closer to the flood line than what is actually shown on the plan. Another concern of his was of houses being placed behind other houses.

In response to those statements, Mr. Gamanche stated that this parcel of land was shown on the original subdivision plan with the notation that it would require further approval from the Zoning Board of Appeals which is why they are here this evening. The subdivision was designed with this parcel in mind. It has its own frontage and does not take it's frontage from any other lot. The house is set back approximately the same distance as the other houses in the neighborhood and the house does not go behind any other house in the subdivision. The closest they are to the property line on Mendon Rd. is 185 ft. That's to the property line, not to the house. On the left hand side they are 86 ft. from the property line and on the right hand side of the property they are 45 ft. from the property line. Mr. Gamanche stated that there is no buffer /setback to a flood plain. The contour of the flood plain is 269 ft. They show a line on there from the flood plain maps because they wanted to show everything on the plan but the actual flood plain elevation is defined by that 269 ft. contour. The 269 contour is 45 ft. from the proposed house.

Board Member Brett Simas stated that he viewed the property and it appears that the lots in this subdivision are fairly large and he did not get the impression that it was their intent to cram as many lots as they could. All of the houses appear to be consistent in distance from the street and from each other, this one included.

Marsha Witkus, 715 Mendon Rd. expressed concerns with tree cutting on the property. Mr. McCann replied that any work that would be done during the construction of the house would not be near their property. Mr. Gamanche added that once the property is sold it is out of their hands as the owner can basically do what he wants with the lot. Ms. Witkus responded that she was aware of that but would hope that common courtesy would prevail and the property owner would notify them.

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

Board Members had no issues with the retreat lot. The lot met the requirements and the appearance will fall in harmony with the existing homes. The creation of this lot does not pose a hardship for the other lots. There would be no impact on the character of the neighborhood as the appearance would be consistent with the other lots as far as distances from the street and each house.

A motion was made by Diane Woupio to grant the Special Permit to allow the construction of a single family home on parcel 102, shown on Assessor's Map 31 as Lot 9 Prairie Street as shown on the plan submitted entitled "Special Permit Plan" dated August 11, 2010 prepared by Guerriere & Halnon with the condition that the lot cannot be further subdivided. The motion was seconded by William Corkum the vote being 5-0 in favor.

William Corkum will write the decision.

Correspondence

The following correspondence was distributed to the Board:

- Letter from John Puccio requesting return of all unused funds escrowed for the Linwood Estates Project (40B) Due to the economic climate of the housing market Mr. Puccio has decided not to develop Linwood Estates.
- Kopelman And Paige/Land Use Permit Extensions. In accordance with the Act Relative to Economic Development Reorganization which extends the duration of certain land use approvals by two years. If an eligible approval was in effect from August 15, 2008 through August 15, 2010, its original duration will be extended by two years.

There being no further business, a motion was made by Diane Woupio and seconded by Sharron Ampagoomian to adjourn the meeting at 8:00 P.M. The vote was 5-0 in favor.

Attested by,

Brenda M. Ouillette
Administrative Asst.

THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE ZONING BOARD OF APPEALS. (Approved on October 14, 2010)

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