



TOWN OF NORTHBRIDGE

ZONING BOARD OF APPEALS

Aldrich School Town Hall Annex

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Whitinsville, MA 01588

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Approved on June 14, 2012

ZONING BOARD OF APPEALS

MINUTES OF MEETING

May 10, 2012

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

Sharron Ampagoomian, Member

Diane Woupio, Member

Brett Simas, Associate Member

Daniel Batt, Associate Member

Harold Hartmann, Associate Member

Also present was Brenda Ouillette, Administrative Assistant.

Absent from this meeting was William Corkum and Carol Snow.

A motion was made by Brett Simas to approve of the minutes of April 12, 2012. The motion was seconded by Daniel Batt and the vote was 4-0 in favor.

Diane Woupio and Harold Hartmann abstained from voting as they were not present at the April 12th meeting.

PUBLIC HEARING: (4-V-12) PHILLIP J. GOYETTE, STEPHEN & ELLEN BATISTA, APPLICANTS

This public hearing was held on the petition of Phillip Jr. Goyette, Trustee 120 Prescott Road, Whitinsville, MA and Stephen & Ellen Batista, 128 Prescott Road, Whitinsville to consider the allowance of a conveyance of a portion of property from 128 Prescott Road to 120 Prescott Road pursuant to Article IX, Section 173-32, nonconforming lots.

The properties, shown on Assessor's Map 1 as Parcels 80 & 81, are located in a Residential-2 zoning district and are owned by Phillip J. Goyette, Trustee, and Stephen & Ellen Batista.

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Prior to this hearing, the Town Planner reviewed the petition and responded with the following comments: (Memo dated April 27, 2012).

If granted, an ANR plan shall be submitted to the Planning Board for (re) endorsement. The revised ANR plan shall include reference to the Variance issued by the Board and shall be further revised to accurately show the minimum lot area and set back requirements for lots within the Residential-2 zoning district where not serviced by public sewer.

A revised plan was submitted to the Zoning Board Office on May 4, 2012 prepared by Hawk Consulting, Inc. dated May 3, 2012.

Assigned to this hearing by the Chairman Thomas Hansson were Diane Woupio, Sharron Ampagoomian, Brett Simas, Harold Hartmann, and himself.

Timothy Callahan from Hawk Consulting was present and explained to the Board that an error was made on the first ANR plan that was endorsed by the Planning Board. Mr. Callahan stated that he made a mistake and showed the lots as being on town sewer with a lot size requirement of 20,000 sq. ft. Both lots are on private septic systems and the current requirements for each of the lots is 40,000 sq. ft. where not serviced by town sewer. Both lots are pre-existing, non-conforming but in order for one lot to be reduced further making it more nonconforming, a variance is required. Mr. & Mrs. Batista who own the property at 128 Prescott Rd. are conveying a small portion of their property (4,147 sq. ft.) to the abutting property at 120 Prescott Rd. The 4, 147 sq. ft. parcel is vertically contiguous to the Goyette parcel and is currently not maintained. Both owners agree that maintenance of this portion of land is best suited for ownership by the Goyettes' and would be a natural addition to the Goyette lot.

No abutters were present and no one spoke in opposition.

A motion was made by Brett Simas to close the public hearing and take the matter under advisement. The motion was seconded by Diane Woupio and the vote was 5-0 in favor.

Board members had no issues with the conveyance of land as both lots are pre-existing, nonconforming. Frontage would remain the same on both lots; the only change would be the lot size of each lot. One would become larger and one would become smaller but no smaller than what was initially required when the lot was formed which was 20,000 sq. ft. Board members agreed that relief could be granted without detriment to the neighborhood and without nullifying or substantially derogating from the intent of the By-law.

A motion was made by Brett Simas to grant the Variance to allow a conveyance of a portion of property from 128 Prescott Road to 120 Prescott Road as shown on the ANR Plan (81-P) dated May 3, 2012 prepared by Hawk Consulting, Inc. with the condition that a new ANR Plan be submitted to the Planning Board for endorsement. The motion was seconded by Diane Woupio and the vote was 5-0 in favor.

Brett Simas will write the decision.

PUBLIC HEARING: (5-SP-12) RANDY SWIGOR/WHITINSVILLE WATER CO., APPLICANT

This hearing was held on the application of Randy Swigor representing Whitinsville Water Co. 44 Lake Street, Whitinsville MA pursuant to Article V, Section 173-18 D (2) Floodway and Floodplain Districts. The applicant is proposing to construct a pressure filtration water treatment facility at 108 Carr Street, Whitinsville, MA adjacent to the existing pump station. The proposed activity is partially in the existing floodplain of Meadow Pond and consists of a 50 ft. x 40 ft. metal building.

The property, shown on Assessor's Map 6 as Parcel 14 is located in a Residential-1 zoning district and is owned by the Whitinsville Water Company.

Pursuant of Article V, Section 173.18 D (2) (b) final action cannot be taken until written comments have been received from the Conservation Commission, Planning Board, Board of Health, Inspector of Buildings, Board of Selectmen and Town Engineer (DPW). Written comments have been received and were distributed to the Board Members this evening. (Copies on file)

Sharron Ampagoomian read the public hearing notice. Assigned to this hearing by the Chairman Thomas Hansson were Diane Woupio, Sharron Ampagoomian, Daniel Batt, Harold Hartmann, and himself.

Presenting the application was John Cordaro, P.E. from Tata & Howard. Also present was Randy Swigor representing Whitinsville Water Company. The Whitinsville Water Company is proposing to construct a 1.44 million gallon per day water treatment facility to treat water from the Whitin Wellfield. The parcel currently contains the Whitin Wellfield and an existing chemical injection facility and pump station. Historically high levels of iron and manganese have led to water discoloration issues in the distribution system and to reduce this discoloration, the Whitinsville Water Company is proposing to use a pressure filtration system using greensand technologies.

The facility will consist of a single story pre-engineered steel building with a building footprint of approximately 50 feet by 40 feet and will be supported by a cast-in-place, slab-on-grade foundation constructed at elevation 313.50. A portion of the building and the grading around the stormwater infiltration system will impact the 100-year floodplain which will be replicated on site. The compensatory storage has been designed so that any fill at one elevation will be cut elsewhere on site at the same elevation. Tata & Howard has certified that the flood levels will not increase during the occurrence of the one-hundred-year flood. (Letter dated May 10, 2012 to the ZBA)

Mr. Hansson asked if there was going to be any pavement around the building and Mr. Cordaro responded that there would be no new pavement. Grass will be planted around the building doing a bio-detention area with some specific grass species.

Mr. Hansson asked what would be going on inside the building. Mr. Cordaro responded that Whitinsville Water Company would be installing pressure filtration equipment which is a large horizontal steel tank with 3 cells. The water from the well will get re-piped instead of going

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right out to the street into the distribution system. It will go into the treatment plant through the pressure filtration system to remove iron and magnesium from the water and the treated water will then go directly out to the water distribution system.

Mr. Hansson asked if there would be any noise involved. Mr. Cordaro replied that there is a small blower that operates during backwash cycles which is estimated at once a day. However, it is inside the building and they do not anticipate significant noise outside the building.

Charles Ampagoomian, 41 Henry St., asked what the recourse would be for the neighbors should they experience high levels of noise. Mr. Cardoro responded that should that happen they could put an enclosure around the blower.

No abutters were present to speak for or against the application.

A motion was made by Diane Woupio to close the public hearing and take the matter under advisement. The motion was seconded by Sharron Ampagoomian, the vote being 5-0 in favor.

Board Members had no issues with the project and were satisfied that the other town departments had commented on the project as required. A Notice of Intent was filed with the Conservation Commission and an Order of Conditions has been issued as stated by Mr. Cordaro.

A motion was made by Sharron Ampagoomian to grant the Special Permit to allow the construction of a pressure filtration water treatment facility at 108 Carr Street, Whitinsville, MA part of which is in the existing floodplain of Meadow Pond. The motion was seconded by Daniel Batt, the motion being 5-0 in favor.

There were no conditions imposed on the Special Permit.

Sharron Ampagoomian will write the decision.

PUBLIC HEARING: (6-SP-12) JAMES M. KNOTT SR., APPLICANT

This hearing was held on the application of James Knott Sr., 456 Hill Street, Whitinsville, MA pursuant to Article X, Section 173-30 (B) in order to convert an existing church building located at 895 Hill Street, Whitinsville, MA to a two-family dwelling unit.

The property, shown on Assessor's Map 11 as Parcel 31, is located in a Residential-1 zoning district and is owned by James M. Knott Sr.

The application was reviewed by the Building Inspector prior to this hearing and written comments were distributed to the Board members and the applicant this evening. (Copy on file)

The Building Inspector, James Sheehan Jr., responded by stating that the lot and structure are both pre-existing, nonconforming. The use as a church is considered a legal conforming use. Even though the Zoning Board of Appeals cannot grant a use variance, the Board could grant a Special Permit in accordance with Section 173-30 B if the Board felt that the proposal complied with the requirements for a finding in accordance with the Zoning By-law.

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Sharron Ampagoomian read the public hearing notice. Assigned to this hearing by the Chairman Thomas Hansson were Diane Woupio, Sharron Ampagoomian, Brett Simas, Daniel Batt, and himself.

Mark Anderson, Heritage Design Group, presented the application. Also present was Mr. & Mrs. Knott. Mr. Anderson stated that Mr. Knott recently purchased the property which was formerly a church. He is requesting to convert the building into two residential units. Adequate off-street parking is available and it would be a good use of the property rather than leaving it vacant. This would put the property back on the tax roles as a taxable two-family dwelling unit. There is town water available and there is an approved septic system on file with the Board of Health. It is in a Residential-1 zoning district but there are many multi-family units in the area as the zoning district on the other side of the street is Residential-2. The building will be kept historically intact, non-intrusive to the neighborhood and very little impact on the traffic as well. There would be no changes to the exterior of the building and the site would only be changed with paved and smaller parking area and a fence at the rear.

Mr. Hansson asked Mr. Anderson what the square footage of each unit would be and he replied that each unit will be approximately 1200 sq. ft. Both units will be rental units.

Board member Brett Simas asked about the possibility of converting it to a single family home versus a two-family home. Mr. Anderson responded that it would be a hardship to convert it to just a single family and there are other two family and multi family units in the surrounding neighborhood. They felt a duplex was much more compatible with the character of the neighborhood.

Kevin Kaminski, 885 Hill St., a direct abutter to the property, expressed concerns regarding illegal dumping. He stated that sometimes the church parking lot becomes a dumping ground for others. Mr. Anderson replied that once it is occupied it will deter any dumping of debris by others. Also, there will be adequate provisions for adequate rubbish removal for the tenants.

When asked by Board Member Brett Simas if Mr. Knott would be amendable to working directly with Mr. Kaminski should Mr. Kaminski have issues in the future and Mr. Knott agreed to that.

A motion was made by Diane Woupio to close the public and take the matter under advisement. The motion was seconded by Daniel Batt and the vote was 5-0 in favor.

Board Members thought it was great that the exterior of the building was going to remain the same thus maintaining the historic value. The fact that the building will once again be used and not vacant is a plus for the neighborhood. They agreed that it was a good re-use of the property with little impact on the character of the neighborhood.

A motion was made by Brett Simas to grant the Special Permit to allow the conversion of the church to a two-family dwelling. The motion was seconded by Sharron Ampagoomian and the vote was 5-0 in favor.

Tom Hansson will write the decision.

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Attested by,

Brenda M. Ouillette
Administrative Assistant

**THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE ZONING BOARD
OF APPEALS (Approved on June 14, 2012)**