



## TOWN OF NORTHBRIDGE

### ZONING BOARD OF APPEALS ALDRICH SCHOOL TOWN HALL ANNEX

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*Approved on August 11, 2011*

## ZONING BOARD OF APPEALS

### MINUTES OF MEETING

**July 14, 2011**

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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  
William Corkum, Member  
Carol Snow, Member  
Brett Simas, Associate Member  
Daniel Batt, Associate Member  
Harold Hartmann, Associate Member

Also present was Brenda Ouillette, Administrative Assistant.

#### **Minutes**

A motion was made by Diane Woupio to approve of the minutes of **June 9, 2011**. The motion was seconded by Sharron Ampagoomian and the vote was 6-0 in favor. Carol Snow and Harold Hartmann did not vote on the minutes as they were not present at the June 9th meeting.

#### **PUBLIC HEARING: (FILE# 5-V-11) ANN M. LEGASSEY, APPLICANT**

This hearing was held on the petition of Ann M. Legassey, 227 Church Avenue, Northbridge, MA for a Variance from front setback requirements pursuant to Article VI, Section 173-19 Note (2) of the Northbridge Zoning By-laws, Table of Area Regulations, in order to allow the construction of an attached single car garage to the existing dwelling/garage.

The property is located at 227 Church Ave., shown on Assessor's Map 22A as Parcel 135, consisting of 10,009 sq. ft. The property is located in a Residential-3 zoning district and is owned by Ann M. Legassey.

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The public hearing notice was read by Sharron Ampagoomian. Chairman Thomas Hansson assigned Carol Snow, Diane Woupio, Sharron Ampagoomian, William Corkum, and himself to this hearing.

Mr. & Mrs. Legassey were present to discuss their petition. Ms. Legassey stated that she and her husband recently married and they would like another single car garage for his vehicle. It would be a single car garage attached to the existing single car garage and the driveway would be widened to accommodate the new garage. Mr. Legassey stated that the house was built in 1966. The addition of the new garage will not meet the current front setback requirement from Duggan Way or Church Avenue as the property is located on a corner lot.

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

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

After a brief discussion Board members were in agreement that a hardship existed because the property is a small corner lot parcel and the house was built prior to Zoning By-laws being in effect making it preexisting, nonconforming. There appeared to be no issues with site distance from either street with the addition of the garage.

A motion was made by Carol Snow to grant the variance from front setback requirements as shown on the plan submitted dated April 4, 2010 prepared for Norman W. Theberge Family Trust by Guaranteed Builders, Inc. The motion was seconded by Diane Woupio, the vote being 5-0 in favor.

Diane Woupio will write the decision.

### **PUBLIC HEARING: (FILE# 6-SP-11) MATT LEONARD, APPLICANT**

This hearing was held on the application of Matt Leonard, 45 Spring Street, Whitinsville, MA for a Special Permit pursuant to Article V, Section 173-18.1 of the Town of Northbridge Zoning By-laws Retreat Lots, in order to allow the construction of a single family home.

The property is located at Carpenter Road, Whitinsville, Ma shown on Assessor's Map 10 as Parcels 3 & 42, consisting of 2.5 acres. The property is located in a Residential-1 zoning district and is owned by William & Barbara Leonard and C & S Realty Trust.

Sharron Ampagoomian read the public hearing notice. Chairman Thomas Hansson assigned Carol Snow, Sharron Ampagoomian, Diane Woupio, William Corkum and himself to this hearing.

Present to discuss the application was Mark Anderson, Heritage Design Group, and Matt Leonard, applicant. Mr. Anderson stated that the parcel of land they are seeking to divide consists of about 65 acres and has been owned by his family since 1972, both by Matt's mother and father and his aunt and uncle. The property extends all the way to Casey Road by the Kroll Farm on Hill St. Previously over the years they have portioned off two lots, one for Matt's brother and one for his cousin. The land to the right of the property was owned by Nicoletta

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Watson who recently sold it to C & S Realty Trust. They have agreed to sell Matt Leonard a 40 foot strip of land from Carpenter Rd. to the property line.

Mr. Anderson presented the Board with a new revised plan indicating the change. That plan shows a revised date of June 16, 2011 prepared for Matthew Leonard by Heritage Design Group. The new plan also shows the wetlands on the property. The driveway will be totally on the proposed Parcel A which is the 40 ft. strip he will be purchasing. They will be crossing the wetland at the narrowest point and the house will be built to the rear of the property which will meet the 200 ft. width building line requirement which is the 200 ft. frontage requirement in this zoning district.

Mr. Anderson stated that the balance of the land will be deeded over of open space at some point in time but there will be no further development of the property. The property will not be landlocked as there is frontage on Casey Road.

Mr. Anderson stated that they do abut a parcel of land that was granted a Special Permit for Retreat Lot in 2001. At that time, they applied for a Special Permit for a Retreat Lot when in fact that property had 193 ft. of frontage. Therefore, it does not have the appearance of a retreat lot. The Board was in receipt of a memorandum sent by the Building Inspector, James Sheehan, clarifying that issue which is note (G) of section 173.18.1 of the Retreat Lot By-law which states that at the time the application for a Special Permit is submitted, all other lots contiguous to said lot shall conform to the requirements of the zoning district in which it is located. It is his determination that because this adjoining lot was granted a Special Permit and it was recorded at the Registry of Deeds it then makes that parcel legal and conforming to zoning. Therefore a variance from Section 173.18.1 (G) is not required. A copy of that memorandum is on file in the Zoning Board Office.

The Board was also in receipt of memorandum from the Town Planner, Gary Bechtholdt, dated July 8 in which he states that the Planning Board reviewed the application and should the Special Permit be granted, then an ANR Plan would then need to be filed with the Planning board pursuant to MGL chapter 41 Section 81-P and as provided for in the Northbridge Subdivision Rules & Regulations.

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

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

After a brief discussion, Board members were in agreement that the lot met the eleven requirements of the Retreat Lot By-law with the clarification from the Building Inspector. The addition of a single family home on this parcel would not be detrimental to the neighborhood.

A motion was made by Sharron Ampagoomian to grant the Special Permit to allow the construction of a single family home on this parcel of land as shown on the revised plan dated June 16, 2011 prepared for Matthew Leonard by Heritage Design Group with the condition that the parcel cannot be further subdivided and is subject to approval of an ANR Plan by the Planning Board and approval of the Conservation Commission for any wetland issues. The motion was seconded by Diane Woupio and the vote was 5-0 in favor.

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Tom Hansson will write the decision

There being no further business, the meeting was adjourned at 8:00 p.m.

Attested by,

Brenda M. Ouillette  
Administrative Asst.

**THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE ZONING BOARD  
OF APPEALS (Approved on August 11, 2011)**