



TOWN OF NORTHBRIDGE

ZONING BOARD OF APPEALS
ALDRICH SCHOOL TOWN HALL ANNEX
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*Approved on **February 9, 2012***

ZONING BOARD OF APPEALS

MINUTES OF MEETING

December 8, 2011

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

Sharron Ampagoomian, Member
William Corkum, Member
Brett Simas, Associate Member
Harold Hartmann, Associate Member

Also present was Brenda Ouillette, Administrative Assistant.

Absent from this meeting were Carol Snow, Diane Woupio, and Daniel Batt.

Minutes

A motion was made by Sharron Ampagoomian to approve of the minutes of **August 11, 2011**. The motion was seconded by Brett Simas and the vote was 4-0 in favor. William Corkum abstained from voting as he was not present at the August 11th meeting.

PUBLIC HEARING: (FILE# 9-V-11) MATTHEW LEONARD, APPLICANT

This hearing was held on the petition of Matthew Leonard, 45 Spring St., Whitinsville, MA for a Variance pursuant to Article V, Section 173-18.1 (I) of the Northbridge Zoning By-laws, Retreat Lots, in order to allow a common driveway on a Retreat Lot. The applicant was granted a Special Permit (6-SP-11) for a Retreat Lot on July 21, 2011.

The property is located on Carpenter Road, Whitinsville, MA shown on Assessor's Map 10 as Parcels 3 & 42. The property is located in a Residential-1 zoning district and is owned by William & Barbara Leonard, C & S Realty Trust, and Armand & Judith Sabourin.

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Brett Simas read the public hearing notice. Assigned to this hearing by the Chairman Thomas Hansson were Sharron Ampagoomian, William Corkum, Brett Simas, Harold Hartmann and himself.

Present to discuss the petition was Mark Anderson from Heritage Design Group and Matthew Leonard, the applicant. Mr. Anderson explained to the Board that they were before the Board this evening for a variance from one of the conditions of the Special Permit that they were granted to allow the Retreat Lot. Mr. Leonard purchased Parcel A shown on the plan submitted to allow access to his lot. However, since that time they have determined that constructing a driveway on that portion of land is going to be extremely difficult due to the amount of ledge and topographical issues, thereby creating a hardship for the applicant. There would be a large amount of fill required (10-12 ft.) and it would be very difficult to create this driveway and maintain the grade percentage.

The abutting property is owned by his brother Paul Leonard. The variance would allow the applicant an opportunity to obtain a Special Permit for common driveway to be shared with his brother. The access would be the existing driveway with an extension of that driveway to the rear lot with the same wetland crossing that was originally proposed when he applied for the Retreat Lot. They would still be crossing the wetland at the narrowest point and the applicant has already filed with the Conservation Commission for the wetland crossing.

Mr. Corkum asked Mr. Anderson what the drop was from his brother's property to the beginning of the wetlands. Mr. Anderson replied that it was about 6 ft. and then it totally levels out. Only a small amount of fill will be required. Mr. Anderson stated that if the driveway has to remain as originally proposed then a retaining wall will be necessary on a portion of the driveway. An opportunity for a common driveway would allow them to maintain an undisturbed buffer zone for the abutting properties as the front portion of the retreat lot is heavily wooded and it would be preserved.

Ms. Ampagoomian asked what was on the other side of the existing driveway. Mr. Anderson stated that it was all grass. Ms. Ampagoomian also asked if the new driveway would be paved and Mr. Anderson replied that it would be. Ms. Ampagoomian explained that her concern is the fact that should the front property ever be sold, there will be a paved driveway in the back yard. Mr. Anderson replied that it would be a deeded easement in perpetuity.

Ms. Ampagoomian asked why the proposed new portion of the driveway was not closer to the right. Mr. Anderson replied that they brought it as close as they could to start to make the turn to bring it down and then back Matt's property. They couldn't make it that sharp a turn and that it had to be gradual due to the topographical issues and ledge.

Ms. Ampagoomian also expressed her concerns on how the driveway would look as the plan did not indicate whether or not his brother's back yard was grass or wooded. Matthew Leonard replied that the back of his brother's yard is all wooded and it doesn't look like a back yard as the tree line is very close to the existing house. The new driveway will not be that obvious and should blend in with the surroundings.

No abutters were present at this hearing.

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A motion was made by William Corkum to close the public hearing and take the matter under advisement. The motion was seconded by Harold Hartmann and the vote was 5-0 in favor.

Board members agreed that a hardship existed due to the topography of the lot and that relief could be granted without nullifying or substantially derogating from the intent or purpose of the By-law.

A motion was made by Brett Simas to grant the variance from Section 173-18.1 (I) of the Retreat Lot By-law to allow the applicant an opportunity to obtain a permit for a common driveway as shown on the plan submitted entitled Variance/Special Permit Plan dated November 8, 2011 prepared by Heritage Design Group for Mathew Leonard with the following conditions:

1. Subject to approval of an ANR Plan and Special Permit for a Common Driveway by the Planning Board.
2. Subject to approval by the Conservation Commission for the wetland issues.
3. No further subdivision of the lot.

The motion was seconded by Sharron Ampagoomian, the vote being 5-0 in favor.

Tom Hansson will write the decision.

There being no further business, the meeting was adjourned.

Attested by,

Brenda M. Ouillette
Administrative Asst.

THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE ZONING BOARD OF APPEALS (Approved on February 9, 2012)

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