



TOWN OF NORTHBRIDGE

ZONING BOARD OF APPEALS

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NORTHBRIDGE TOWN CLERK
DOROTHY A. STORONE

Approved on September 19, 2013

ZONING BOARD OF APPEALS

MINUTES OF MEETING

JULY 11, 2013

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

Carol Snow

William Corkum

Diane Woupio

Sharron Ampagoomian

Brett Simas

Randy Kibbe

Also present was Brenda Ouillette, Administrative Assistant.

Associate Member Harold Hartmann did not seek reappointment to the Board.

A motion was made by William Corkum to approve of the minutes of May 9, 2013. The motion was seconded by Brett Simas and the vote was 4-0. Carol Snow, Randy Kibbe, and Sharron Ampagoomian abstained from voting as they were not present at the May 9th meeting.

A motion was made by Sharron Ampagoomian to approve of the minutes of June 13, 2013. The motion was seconded by Carol Snow and the vote was 6-0 in favor. Diane Woupio did not vote on the minutes as she was not present at the June 13th meeting.

Re-Organization of the Board (Chapter 4-204)

A motion was made by Sharron Ampagoomian to nominate Thomas Hansson as Chairman. The motion was seconded by Diane Woupio, the vote being unanimous.

A motion was made by Sharron Ampagoomian to nominate William Corkum as Vice Chairman. The motion was seconded by Diane Woupio, the vote being unanimous.

A motion was made by Sharron Ampagoomian to nominate Carol Snow as Clerk. The motion was seconded by Thomas Hansson, the vote being unanimous.

PUBLIC HEARING: (12-V-13) MICHAEL & GRACIA CASEY, APPLICANTS

This hearing was held to consider the petition of Michael and Gracia Casey, 144 Swift Rd., Whitinsville, MA for a Variance from front setback requirements pursuant to Article VI, Section 173-19 (Note 7) of the Town of Northbridge Zoning By-laws, Table of Area Regulations, in order to allow an existing shed approximately 25 feet from Kerry Lane. The property is located on a corner lot and the requirement is 60 feet. The property is shown on Assessor's Map 7 as Parcel 342 and is located in a Residential-2 zoning district.

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

Mr. Casey was present and stated that the shed was placed at this location due to the location of a large boulder and oak tree. The lot is a corner lot and when the in-ground pool was installed the boulder was placed where it is because it was too big to remove. The shed was constructed after the in-ground pool was installed. The Building Inspector saw the shed when he was inspecting renovations to the existing house and informed him that a variance would be required in order to leave it at that location. Mr. Casey informed the Board that he was not aware that he needed a permit for the shed as it does not have a foundation under it. The Administrative Assistant, Brenda Ouillette, informed the Board that a shed with less than 200 sq. ft. in floor area does not require a building permit. However, the location of the shed must still comply with zoning.

Thomas Bachleda, 22 Kerry Lane, spoke in favor of the petition stating that he was fine with the location of the shed. No other abutters were present.

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

Board members agreed that due to the fact that the property is a corner lot and the location of a large boulder and tree prohibited the applicant from putting the shed any other place. The shed is already there and the rights of his neighbors have not been infringed upon as the shed is too close to the street and not to the abutting properties. Board members agreed that relief could be granted without substantial detriment to the neighborhood.

ZONING BOARD OF APPEALS – MINUTES – JULY 11, 2013

A motion was made by Carol Snow to grant the Variance to allow the shed within the front setback of 60 ft. (approx 25 ft.) from the front property line of Kerry Lane. The motion was seconded by Diane Woupio and the vote was 5-0 in favor.

CONTINUED PUBLIC HEARING: (8-V-2013) J & F MARINELLA, APPLICANT

This hearing was continued from June 13, 2013 at the request of the applicant to consider the petition of J & F Marinella, P.O. Box 629, Franklin, MA for a Variance from the front setback requirement pursuant to Article VI, Section 173-19 of the Town of Northbridge Zoning By-laws, Table of Area Regulations, for an existing house located at 49 Rebecca Road (Lot 1) in the Camelot Subdivision.

The property, shown on Assessor's Map 16 as Parcel 209, is located in a Residential-2 zoning district and is owned by John Puccio, Trustee Trimount Trust, 555 University Ave., Norwood, MA.

Assigned to this hearing from the previous meeting were Sharron Ampagoomian, Thomas Hansson, William Corkum, Carol Snow, and Brett Simas.

Mark Anderson, Heritage Design Group, was present as well as Frank Marinella from J & F Marinella Development. Mr. Anderson stated that the house was the first house built in 2012 and it was built as a model home. At the time the foundation certification was done for Lot 3, (109 Rebecca) it was found that this house (49 Rebecca Rd.) was constructed too close to the street (32 ft.) and did not conform to zoning. The front setback requirement is 40 feet. The applicant obtained a Variance for Lot 3 (109 Rebecca Rd.) in October of 2012. It was stated at that public hearing that they had determined the house constructed on Lot 1 (49 Rebecca Rd.) was not in compliance as well as Lot 3 and they were aware that they had to file another petition for a variance for this lot as well. This house was built 8 feet too close to the street as determined by an as-built done on September 17, 2012.

Mr. Anderson stated that they have complied with the conditions of the Variance for Lot 3 (109 Rebecca Rd.) and every foundation installed since that time is certified that it is in compliance with zoning prior to any construction of the house itself. He stated that they would be willing to agree to that same condition for this lot as well.

Mr. Corkum asked what the condition of the road was now because at the time of the first petition back in October of 2012, it was stated that there was some confusion on the width of the roadway. Mr. Anderson replied that the road is now paved with a base coat and he agreed that there was confusion on the plan because the first part of the roadway is 50 ft (Rebecca Road) and the roads coming off of Rebecca Road are 40 feet wide. Someone made an error in reading the plans.

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

ZONING BOARD OF APPEALS – MINUTES – JULY 11, 2013

Board members agreed that they were made aware of this situation in 2012. This house was the first house built in that Subdivision and has been used as a model home since that time. This was the basis for the hardship (that the dwelling is already in existence).

A motion was made by William Corkum to grant the 8 foot Variance from front setback requirements as shown on a Certified Plot Plan dated September 17, 2012 with the condition that all future foundation as-builts in the Camelot Subdivision be certified and stamped by a registered land surveyor and submitted to the Building Inspector for his approval prior to any further construction on the house. The motion was seconded by Sharron Ampagoomian and the vote was 4-1 in favor. Brett Simas voted in the opposition.

There being no further business, the meeting was adjourned at 7:45 P.M.

Attested by,

A handwritten signature in cursive script, reading "Brenda M. Ouillette".

Brenda M. Ouillette
Administrative Assistant

THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE BOARD OF APPEALS (Minutes approved on September 19, 2013)