

## **Minutes of Meeting**

May 3, 2018

### **Present**

Brian Wright (BW) – Chairman  
 James Dunlea (JD) – Vice Chairman  
 Brian Salisbury (BTS) – Member  
 Peter Gabrielle (PG) – Member  
 Joseph Flanagan (JF) – Alternate Member  
 James Jeschke (JJ) - Alternate Member

### **Other Attendees**

James S. Kupfer (JK) – Town Planner and Zoning Compliance Officer  
 Timothy Aicardi (TA) – Building Commissioner

### **Absent**

Arturo Paturzo, Member

### **7:00 PM**

BW opened meeting.

### **5 Toni Drive – John & Patricia Murphy**

Variance to construct addition  
 Sitting In: BW, BS, JD, PG and JJ

JK read the Public Hearing notice. Attorney Joe Antonellis (JA) represented the applicants, John and Patricia Murphy. He explained the applicants were in attendance to request a variance to construct a 20 X 30 foot addition to the rear of the property. The property is zoned Business 1. There is insufficient setback from the property line. The proposal requires 3 feet within the far left corner setback. It is a pie shaped lot and when it was built the contractor put the house in the wrong spot causing a hardship. JA explained it will be situated away from the neighbors therefore creating more privacy. JA stated it is an unique shaped property. The Board inquired about other locations to add the addition. JA and the contractor hired to construct the addition stated that to add to any other area would be great financial burden. JA stated that this proposal will not derogate from the intent of the bylaw. The addition will be a great room to house a pool table and a half-bathroom. The board questioned as to why it couldn't be shifted the other way. The applicants' builder was in attendance and he explained that if it could not be place in the proposed area the access would be limited as the doorway would be pushed into the corner. Without the variance they would have to create a new flow, and that would be more expensive. The direct abutters were in attendance. One abutter felt that the proposed addition would encroach on their property and would tower over them. They felt there was no reason to have this any closer than necessary. They could still put the addition in just not that close. The neighbor felt there is no significant hardship. BW stated that it could be cut and mirrored to the other side.

BW stated that there appears to be other options. The applicant stated they could not use it as they needed if they moved it to the other side. JA stated it fit perfectly except for the 3 feet and that is why they are in attendance. The applicant stated they did have a pool in the backyard and is why they couldn't go further back. Their builder stated the roof line is cost effective and they need to keep it at a minimum cost. JA stated that subdivisions are normally designed as a square and this one is pie-shaped. The shape causes the encroachment. His clients have considered all avenues and want to minimize the intrusion. He stated they felt they met the variance criteria as it was the subdivision which caused the triangular shaped parcel, making this a unique property, the foundation was closer to the lot line when it was put in which doesn't allow the applicant reasonable use of the lot and it would not result in a substantial detriment to the public good as it is only 3 feet. It would also cause a substantial financial hardship. The board discussed reconfiguring the placement of the addition. The board took all materials into consideration and viewed the property from the street and satellite view, provided by Tim Aicardi, Building Commissioner.

PG motion to close the hearing.

BS second.

All in favor to close the hearing.

Discussion: The board members discussed the facts that were in front of them and the criteria that must be met for this variance. The board concluded that the unique shape was a part of the subdivision plan. The applicant purchased the property aware of the situation and it was a self-created hardship. There are other available places to put the addition keeping with the bylaws.

JD motion to grant the variance as requested.

PG second.

In Favor: JD

Opposed: BW, BS, PG and JJ

The variance was denied.

### **9 Old Log Lane – Domingo & Sherry Jimenez**

Special Permit for Family Apartment

Sitting In: BW, BS, JD, PG and JJ

JK read the Public Hearing notice.

The applicants, Domingo and Sherry Jimenez were in attendance for a family apartment. They explained they have a disabled son who lives with them but would like him to live independently in the future but still be close by to assist him. Sherry's sister also lives with them so she would use the proposed family apartment until their son is capable of living alone. They are proposing a one bedroom above the garage. There would be an enclosed and attached breezeway into the garage. A

1 bedroom with kitchen and an open floor plan. The property is zoned Agricultural and was built in 1956 as a 2 family. The applicant explained Sherry's parents, Thomas and Marie Mcandrews, own the home with them and live on one side. Sherry's sister, Brenda Hansen, lives with her and Domingo along with their son. The septic system has a 5- bedroom capacity so they can legally have one more. JK stated that Old Log Lane is off of Farm Street, there are few homes currently on that road and there have been no comments from abutters. The board questioned the drawing as they would like to see something more detailed. The applicant would provide more details to the Building Inspector as they needed to know if it was approved before spending the money. JD was concerned of this being a 3 family unit in a neighborhood. JK stated they would be treating it as a single family dwelling with the apartments and put the conditions in the decision. The board felt this is in use with the intent of the bylaw, the current dwelling has been in existence for over 2 years, the floor area meets the requirements of section 240-40 with no variance needed. The applicant must confirm with the BOH that there is sufficient capacity of septic. Parking requirements can be met as there are 2 large driveways, the principal unit will remain occupied by the owners, the remaining unit will be occupied by the parents, Thomas and Marie Mcandrews, the sister, Brenda Hansen will occupy the family apartment above the garage. There will be no negative impact on the neighborhood, the apartment will assist the occupant's financially and it will be kept within character of the neighborhood. The board explained to the applicants they must re-apply in 5 years, if the occupants change they must notify the board and if either unit is not used as a family apartment it reverts back to the original use. The applicants were in agreement. There were no comments from the public.

BS motion to close the hearing.

PG second.

All in favor to close the hearing.

BS motion to grant the family apartment with the conditions outlined.

JJ second.

All in favor to grant the family apartment.

## **22 Pine Warbler Way – Barry & Cynthia Gale**

Special Permit for Family Apartment

Sitting In: BW, BS, JD, PG and JJ

JK read the Public Hearing notice.

The applicants and their contractor, Chris Crook (CC) were in attendance. Barry Gale, owner and applicant explained that his wife's parents were elderly and his father-in law was getting dementia. It is getting difficult for them and his mother-in-law to provide the care of him and the property. CC explained they would like to extend the garage slightly to the right, the addition would be behind, similar to a split entry type. The parents won't have to climb any stairs. They will all share the

washer and dryer. There is enough area to meet the side or rear setbacks. He stated the septic is adequate for the addition. CC provided a plot plan and a layout of the proposal. The property is zoned Agricultural. The board reviewed the materials presented. The single family property has been in existence under legal occupancy for over 2 years, the floor area meets the requirements of section 24-40 with no variance needed. The property has a private septic system and the applicant will confirm there is sufficient capacity with the BOH. There is adequate parking for a 2 family dwelling. The principal unit will remain occupied by Barry and Cynthia Gale. The other unit will be occupied by the owner's parents, Natalie and Charles Golding. They found there would be no negative impact on the neighborhood and the design is keeping within character of the neighborhood. The family apartment will assist the family with a medical hardship. There are no public comments.

BS motion to close the hearing  
PG second.

All in favor to close the hearing.

No discussion.

BS motion to approve the family apartment as presented.  
PG second.  
All in favor to approve the family apartment.

## **General Business**

### **Minutes – April 5, 2018**

BS motion to approve as amended.  
PG second.  
All in favor to approve as amended.

### **121 Depot Street**

JK explained the ownership stated on the decision of the cell tower that was approved on 121 Depot Street in 1997 was incorrect. The owner drafted a letter requesting a correction to the name on the decision. The letter was reviewed by Town Counsel. The name was corrected and signed by BW.

JK reminded the board of the BOS meeting on May 7<sup>th</sup> where board appointments would take place.

Meeting adjourned at 8:45 PM.

Approved 7/5/2018