

**Zoning Board of Appeals
September 22, 2011 Regular Meeting**

Location Meeting Room #1
Town Hall
7A Spofford Road
Boxford, MA 01921

Present Robert W. Conroy, Clerk
Kathleen O'Sullivan-Fortin, Alternate
Richard Corsetti, Alternate
Paula Meagher, Secretary
Pat Canonica, Planning Board Liaison

Absent William R. Cargill, Jr., Chair
Paula Lia Fitzsimmons, Vice-Chair

Chair and Vice Chair not present for the hearing – the following members will sit pro tem:
Robert Conroy, Chair – Kathleen O'Sullivan-Fortin, Vice Chair and Richard Corsetti, Clerk

6:38 p.m. Robert W. Conroy, Chair pro tem called the meeting to order
Draft minutes were on the agenda for 7/28/11 but were tabled to go into new business.

**6:40 p.m. Case #898 Theodore H. Coogan and Donna M. Ritchie
32 Baldpate Road**

Special Permit to construct 4'x23'5" addition to extend existing kitchen on a non-conforming lot from Article III, §196-6 (B) of the zoning bylaw.

Members Sitting Robert W. Conroy, Chair pro tem
Kathleen O'Sullivan-Fortin, Vice Chair pro tem
Richard Corsetti, Clerk pro tem

Applicant Present Ted Coogan

Plan Supplied Plot Plan of Land Prepared by Sullivan Engineering Group, LLC dated 8/18/11; 5 pages of plans dated 8/18/11 which include cabinets, sketch of extension and photo of outside of home where extension is proposed

Robert Conroy read aloud legal ad.

The applicant stated that they would like to extend their existing kitchen by four (4') feet. The lot is non-conforming because it does not meet the side and front setbacks and also is 0.81 acres, which is an undersized lot. When he first applied to remodel the kitchen and construct an extension there was a mortgage survey plan on file stating that the closest side setback was 17 (+/-) feet and he had an engineer survey the lot because he knew he could not encroach further on the side setback and this Board would require an engineering plan due to the nature of the non-conformity. The survey showed that the closest side setback was in fact 14.1 feet from the lot line and the front setback was 31.6 feet (current setbacks are 25 feet side and rear and 50 feet from the front lot line). He further stated that he originally designed the extension to not increase the non-conformity and construct

parallel to the side setback in the back of the house, but after the actual survey they would've been encroaching on the side setback so they had to re-design.

He explained the history found on the property was quite interesting. Zoning files indicated an application for a variance in 1973 to construct a screened porch onto the non-conforming lot. That variance (Case #205) was granted and board members reviewed a copy of that decision; which stated applicant would be unable to make normal and customary alterations to the dwelling without imposing a hardship on the owner. The residence was constructed in 1951 which met the front setback at that time which was thirty (30') feet but was increased to fifty (50') feet in 1953 – side setback was twenty-five (25') feet so the above noted variance was incorporated for the existing non-conformities to the lot.

This Applicant only requires a Special Permit because the extension will not be increasing the non-conformity.

Motion Kathleen O'Sullivan-Fortin – continue pending Planning Board review & recommendation until the October 27, 2011 hearing.

Second Richard Corsetti

Unanimous vote

**6:54 p.m. Case #897 Carols E. & Karen M. Melanson Giron
42 Sunrise Road**

Special Permit to construct 22x22 detached garage to replace rotting shed on a non-conforming lot from Article III, §196-6 (B) of the zoning bylaw.

Members Sitting Robert W. Conroy, Chair pro tem
Kathleen O'Sullivan-Fortin, Vice Chair pro tem
Richard Corsetti, Clerk pro tem

Applicant Present Carlos & Karen Giron

This case was continued from the August 25, 2011 hearing.

Richard Corsetti read aloud the Planning Board recommendation with a unanimous vote to grant from their September 21, 2011 meeting.

This was a pretty straight forward case and all questions were answered at the previous hearing. There is no commercial intent and the garage space would be used for one car and lawn equipment. It will have electrical service and minimal exterior lighting for safety purposes. There will be no water or septic hook up.

There were no further questions or comments from the Board members and there was no one present to speak in favor or against the application.

Motion Kathleen O'Sullivan-Fortin – close evidence

Second Richard Corsetti

Unanimous vote

Motion Richard Corsetti – grant the Special Permit to construct 22x22 detached garage to replace rotting shed on a non-conforming lot from Article III, §196-6 (B) of the zoning bylaw for the

premises located at 42 Sunrise Road. It is not a detriment to the neighborhood and request the Special Permit be approved.

Second Robert Conroy
Unanimous vote

Kathleen O’Sullivan-Fortin will write the decision.

7:00 p.m. Minutes Review draft minutes 7/28/11 regular hearing

Motion Richard Corsetti –approve as amended
Second Kathleen O’Sullivan-Fortin
Unanimous vote

Minutes Review draft minutes 7/28/11 executive session

Richard Corsetti was not present at this meeting; therefore, could not vote to approve the minutes. The Chair tabled until the next hearing.

An extension form was prepared and signed by the applicant for Case #894 Town of Boxford Library due to the lack of a quorum for the members sitting on this particular case. Robert Conroy, Chair pro tem signed the extension agreement to extend the hearing until October 27, 2011.

7:20 p.m. Recess waiting for applicant for next case

7:25 p.m. Case #899 Martin D. Sholomith
12 Mortimer Road

Special Permit to construct 27’6”x48’ modular home due to loss in fire on a non-conforming lot from Article III, §196-7 (A) of the zoning bylaw.

Members Sitting Robert W. Conroy, Chair pro tem
Kathleen O’Sullivan-Fortin, Vice Chair pro tem
Richard Corsetti, Clerk pro tem

Applicant Present Martin Sholomith
Plan Submitted Site Plan Prepared by McKenzie Engineering Group, Inc. dated 8/17/11
Plans consisting of four (4) pages prepared by Superior Builders dated 8/5/11

Robert Conroy read aloud the legal ad.

The applicant testified that he went before the Planning Board last evening and is here for a Special Permit under the bylaw Section 196-7 due to the loss in a fire of his existing home. The bylaw states that a legally nonconforming structure damaged in a natural cause may be reconstructed if commenced within one year and completed within two years from the date of occurrence. It also states that *any change or expansion in total square footage, footprint, or dimensions will require a special permit... upon a finding that such change or expansion will not be substantially more detrimental to the neighborhood than the existing structure.*

Applicant said that the changes they will be making are less non-conforming than the original home. The front setback of the original home was 7’2” and the proposed will be 21’4”. They are also reducing the size of the dwelling from 2600 square feet to 1300 square feet. They cannot make the current bylaw requirement of a fifty (50’) foot setback for the front due to soils and wetlands; however have improved the setback and lessened the square footage.

The fire occurred on November 20, 2010 and the lot is 6½ acres. Kathleen O’Sullivan-Fortin read aloud the Planning Board recommendation with a unanimous vote to grant the Special Permit from their September 21, 2011 meeting. There was no one in the audience to speak in favor or opposition of this proposal.

Motion Richard Corsetti – close evidence
Second Kathleen O’Sullivan-Fortin
Unanimous vote

There was discussion amongst Board members that he is decreasing the non-conformity and increasing the road safety. The application is within one year which satisfied the bylaw. There will be no detriment to the neighborhood.

Motion Kathleen O’Sullivan-Fortin – grant the Special Permit to construct a 27’6”x48’ modular home due to loss in fire on a non-conforming lot from Article III, §196-7 (A) of the zoning bylaw for the premises located at 12 Mortimer Road based upon a finding that it is not a detriment to the neighborhood, a positive recommendation from the Planning Board and that there is no abutter opposition and that in fact the rebuilt structure will decrease the current non-conformity existing from the original property.
Second Richard Corsetti
Unanimous vote

Decision Richard Corsetti will write.

Motion Richard Corsetti – adjourn at 7:43 p.m.
Second Kathleen O’Sullivan-Fortin
Unanimous vote

*Respectfully submitted,
Paula Meagher*

APPROVED AS SUBMITTED 1/26/12