

TOWN OF NEW BOSTON
ZONING BOARD OF ADJUSTMENT

MEETING MINUTES
09/18/12

CASE # 2012-5

Approved 12/18/12

Chairman David Craig called the meeting to order at 7pm., and stated that this is a continuation of a meeting that was continued from August 21, 2012 by majority vote of the members then present. The purpose of the continuation was to allow the applicant to prepare a more accurate representation of the existing conditions of the property and the proposed use, particularly as it relates to the distance between the westerly lot boundary and the proposed garage.

The members present included, in addition to the Chairman, Robert Todd (Secretary pro-tem); Harry Piper, Greg Mattison, and Phil Consolini.

Abutters present included Randall Parker (14 Mill St.), Daniel Garrity (25 Mill St.), and William Morrissey (22 Mill St.).

The Chairman asked the applicant, Michael Ronan, who represented himself to submit what documents he wants to present and to provide testimony on his behalf.

The applicant submitted: 1) a copy of a plan showing his property (Lot 21, map 19 of the New Boston Tax Map) located at 29 Mill Street. This plan also shows the abutting lots fronting on Mill Street and Meeting House Hill Road in the village; 2) copies of colored photographs and an aerial image showing the location of structures relative to lot lines and to structures on adjoining or adjacent lots in the neighborhood to illustrate the character of the neighborhood; 3) a copy of a plan of his property that he had drafted which showed the shortest distances from existing structures and the proposed structures to the front and side yard lot boundaries. This plan also showed locations of large plants, particularly a hedge of evergreens along about one half the length of the westerly lot line; 4) a letter from Lou Nixon, realtor, relative to the effect of the proposed building on property values. Nixon's letter stated that the project would not affect abutting property values and that it may increase property values.

The applicant testified about his proposal which was to construct a 24' by 24' garage in the location shown on his plan and that it would be 8'7" from the westerly side line of his property and 35' from the centerline of Mill Street. The existing evergreen hedge along his westerly property line will be not removed and he states this is a visual barrier between his land and land of Daniel Garrity.

The Chairman asked if the abutters had testimony either for or against the proposal. Mr. Garrity and Mr. Morrissey spoke in favor of the proposal.

The Chairman then asked the board members if they had questions. A member asked the applicant how he proposes to rebuild his septic system in the event that it fails after his garage is constructed. The

applicant replied that he would likely obtain permission from abutters to cross their property with materials and equipment to rebuild the system which is behind his house. Mr. Morrissey spoke to support the applicant's answer stating that there is small equipment available for coping with that difficulty and there is always the option of putting a system under the driveway on the front of the lot. A Board member spoke stating that this contingency is not relevant and the Board should not be concerned with it.

Another member asked the applicant if he has considered constructing a smaller garage. The applicant's reply was that he believes his request is reasonable.

A Board member asked the applicant how he proposes to meet the criterion number 5, if the board were to find that his property is not unique when it is relatively the same size and shape as three other lots adjoining or adjacent in the immediate neighborhood. The applicant stated that all the properties on Mill Street are non-conforming and he feels the property can not be used without the variance and all properties on Mill Street have a similar garage. A Board member stated that Part B of Criterion 5 makes it easier for the applicant to prove he has hardship and needs a variance and he believes a hardship does exist in comport with Part B and the proposed use is reasonable.

A motion to approve the application for a variance in this case was made by Harry Piper and seconded by Chairman Craig. Mr. Piper stated that all the Criteria have been satisfied by the applicant. The Chairman called for a vote by show of hands and it resulted in three in favor and two against. He declared the motion approved and the variance granted.

Submitted
Robert Todd, Secretary Pro-Tem