

Town of New Boston
Zoning Board of Adjustment

Meeting Minutes
06/18/13

APPROVED 08/20/13

Members Present: Laura Todd, Christine Fowler, Greg Mattison, Phil Consolini, Chairman David Craig, Robert Todd was present, but not voting.

Nicola Strong (Planning Board) and Ed Hunter (Building Inspector) were present for both applications.

Chairman Craig opened the hearing at 7:05PM

2013-4 Eugene and Helen Caggiano, Bunker Hill Road, application for a VARIANCE to permit a lot line adjustment with no frontage. (map/lot 1/25 & 1/11), Robert Todd of Todd Land Use Consultants, LLC, representing the application with authorization from land owners. Bob gave a history of the property saying he was once employed by the former owners Elliot and Linda Hersey at the Great Meadow Farm. In 1995 Bob did a subdivision for the Herseys to create several 10+ acre lots fronting on Bunker Hill Road. The large lot (25) south of Bunker Hill Road and lot 11 are owned by the Caggianos. The westerly side of the large lot is upland and has a home; the applicant wants to separate this dry upland area from the Great Meadow. In 1995 there was a conservation easement on the large Great Meadow lot (25). The easement area is 69 acres. Bob continued that lot 27 is also owned by Caggianos and the access to the upland of lot 25 is over lot 27. The applicant wants to keep lot 27 as a buildable lot.

Chairman Craig asked if lot 11 had a house on it. Bob answered yes. Chairman Craig asked for clarification and asked why not just take the dry area off lot 25 and not annex it to lot 11. Bob explained that would be a subdivision, not lot line adjustment and the client wanted to annex the large area of the Great Meadow to lot 11.

Bob Todd explained that in 2003 a septic design and building permit were done for lot 25. In 1998 Earl Sanford laid out a 20' wide strip to access lot 27 and 25 which was approved in October 2003. In 2004 the zoning ordinance changed and lots without road frontage were no longer allowed. Therefore a variance is now needed to allow part of lot 25 to be allowed with no road frontage.

Greg Mattison asked when the easement was created, 1998 was the answer.

Phil Consolini asked for clarification of the property line on lot 25.

Bob spoke to the criteria to support the application (see file).

Chairman Craig asked if the small area of lot 25 fronting on Bunker Hill Road could be a house lot. At first Bob said yes, but then corrected himself and said no, it would not support the required 200' square requirement.

Chairman Craig explained what he thought a lot line adjustment was and didn't think that this was a lot line adjustment. He also wanted to know why the applicant wanted to do this. Chairman Craig continued to try to understand how this was a lot line adjustment.

Bob stated that if the variance is granted the applicant would still need to go to the Planning Board.

Nicola Strong explained that to allow the 8 acres with no frontage a variance was needed.

Phil Consolini asked if the applicant should have gone to the Planning Board first?

Nicola said if the applicant knows they need a variance the applicant can go to the ZBA first and then to the Planning Board.

Chairman Craig continued to question the motive.

No abutters were present for this application.

Greg Mattison made a motion to approve this application for a variance to create a non-conforming lot with no frontage, 2nd by Phil Consolini. The motion passed with 3 ayes, and Chairman Craig abstaining.

2013-5 Scott Whitney, Mast Road, application for a VARIANCE to allow a sign to advertise his business to be put on the building. This property and building is owned by Doug Cook.

Voting members for this application were: Chairman Dave Craig, Phil Consolini, Greg Mattison, Christine Fowler and Laura Todd.

Chairman Craig asked the applicant Scott Whitney to speak to his application.

Mr. Whitney explained he rented one of the three units in the building owned by Doug Cook. The owner has the other two units and has signage for his business. Mr. Whitney wants to put up a sign on the building that will identify the location of his business, but the square footage allowance prevents him from doing it.

Chairman Craig showed pictures of the proposed sign to the applicant to verify that the picture showed the sign he wants to use. Mr. Whitney said it was the sign.

Chairman Craig asked Ed Hunter to explain the reason Mr. Whitney needed a variance. Ed said that in a commercial zone 100 sq. ft. is what is allowed. Milwaukee Iron Works (owned by Doug Cook) currently has a 50 ft. sq. sign on the building (grandfathered) and a 126 sq. ft. sign on the road (also grandfathered) totally 176 sq. ft. of signage. No more signs would be allowed under the current sign ordinance. Ed Hunter reviewed the sign history with the board, which is outlined in his letter of denial. (see file). In this letter he said there was a permitted sign for a rental shop (73 sq. ft.) which was removed.

The applicant said he also wanted the sign logo to be internally lite, which is not allowed under the sign ordinance. He clarified that his application is for both the sign and the internal lighting. Christine Fowler said that the restriction of internally lite sign addressed light pollution.

Phil Consolini said that Mr. Whitney should be able to advertise his business.

Ed Hunter reminded the board that the rental shop sign was 73 sq. ft. and this application is for 74 sq. ft.

Chairman Craig stated that he is concerned with landlords benefiting from variances. They should inform tenants of the limitations.

Nicola Strong said the sign ordinance was looked over and was okayed by the town.

Ed Hunter said he would like to see an overlay sign ordinance for the unique area of Rte 114.

Chairman Craig asked if there were any residences in the area that would be affected by the lighting on the sign. No residences.

There were no abutters for this application.

Phil Consolini made a motion to grant the variance, 2nd by Greg Mattison. Passed unanimously.

Greg made a motion to adjourn the meeting at 9PM, 2nd by Phil.

Respectfully submitted
Laura Todd, clerk
06/2/13
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