

Zoning Board of Appeals

Minutes of the Meeting

Approval of Minutes

Helen and Bradford Shaw - Variance

March 24, 2011

Present: Matthew Colangelo, Vice-Chairman, Barbara Deschenes, Clerk, Charles Witkus, and Linda Isgro

Late: Philippe W. Chevalier, Chairman

Absent: Paul Trippi and Paul Hennessey

Mr. Colangelo called the meeting to order at 7:12 p.m. He explained the process of the hearing and introduced the board members.

Approval of Minutes

Ms. Isgro motioned to accept the September 16, 2010 minutes with a correction of the date on page 2 (June 6 to June 10, 2010). Mr. Colangelo 2nd the motion. Ms. Deschenes, yes, Mr. Witkus, yes, Ms. Isgro, yes, Mr. Colangelo, yes.

Mr. Chevalier arrived at 7:25 p.m.

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Mr. Chevalier opened the hearing at 7:30 p.m. and read the Public Hearing Notice into the minutes. He then turned the hearing over to Attorney Todd Rodman, of Seder and Chandler. Attorney Rodman, on behalf of Helen and Bradford Shaw, gave a history of the property and explained the division of the property lots and the purpose of a request for a variance vs. a special permit; present two full conforming lots rather than three narrow lots which would be more appealing and better build able. He stated that Massachusetts Zoning laws focus on frontage due to emergency access, providing access to the property, and that the Shaw's property does provide emergency access. He added that a hardship would prevent them from developing the property.

Mr. Chevalier opened the hearing to the public. Mr. Jeffrey Amelin, 20 Bonnie View Drive, stated that this new development would be right in his back yard. Ms. Laurie Colorio, 355 Maple Street, agreed that it would be in her backyard as well and is against it and is also concerned about the wildlife.

ZBA Meeting of the Minutes

Page 2 of 2

March 24, 2011

Mr. Chevalier asked for questions from the board. Ms. Isgro had questions for Mr. Amelin in regards to the fire road. Mr. Colangelo asked Attorney Rodman regarding a hardship and Attorney Rodman replied that it would be a hardship due to the shape of the property, particularly the 3rd lot. Mr. Chevalier reviewed the frontage and agreed that the by-laws are difficult, and explained a variance versus a special permit, the rights of property owners, a variance proving hardship, meeting all criteria with safety and sewer/septic issues. Ms. Linda Grave, 27 Hartwell Street, discussed the value of property and the country view of when her property was first purchased.

Mr. Chevalier closed the public hearing at 7:59 p.m. for deliberations and asked for questions from the board. There was discussion of the narrow lots and hardship. Mr. Witkus said that he would approve it with a stipulation of only 3 family homes. Mr. Deschenes doesn't feel that a hardship has been proven. Mr. Colangelo discussed a financial hardship with a 200' sewer line due to ledge. Mr. Witkus suggested an easement. Mr. Chevalier wondered if the variance is denied, does it preclude them.

Ms. Isgro motioned to continue to April 7 for input from town counsel. Ms. Deschenes 2nd the motion. Mr. Witkus yes, Ms. Deschenes, yes, Mr. Colangelo, no, Ms. Isgro, yes, Mr. Chevalier, no. Motion carries. Mr. Colangelo motioned to adjourn at 8:10 p.m. All in favor. Hearing closed at 8:16 p.m.

Respectfully submitted:

Donna Jean Ramonas, Secretary

Minutes approved ~ acce~

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Barbara Deschenes, Clerk