



TOWN OF WEST BOYLSTON ZONING BOARD OF APPEALS
127 Hartwell Street * West Boylston MA 01583 * zba@westboylston-ma.gov

MEETING MINUTES
November 17, 2011

Chairman: Linda Isgro

Members Present: Matthew Colangelo, Barbara Deschenes, Charles Witkus, Philippe Chevalier

Members Absent: Paul Hennessey, Paul Trippi (Associate Members)

Others Present: Stephen Hart (Associate Member), Sign-In Sheet

The meeting was called to order at 7:05 p.m. Roll call was taken. Five voting members were present. Stephen Hart was in attendance as an associate member.

New Business/Reports from Boards

Ms. Isgro gave the members copies of the online mandatory training for the State Ethics Committee and told them to forward a copy to Kim Hopewell (Town Clerk) when completed.

Ms. Isgro informed the members that a petition for a special permit was received by the Town Clerk on November 3rd. A December meeting will need to be scheduled.

The members were told there is an affordable housing training seminar being held at Sturbridge Village on December 8th if anyone is interested in attending.

Ms. Isgro attended the Round Table Discussion on Monday and found it very informative. She felt it was a good way to discuss 40Bs and new development. At the meeting she presented what the board had based on the 94 North Main Street, Village at Oakdale Comprehensive Permit. David Oriol proposes to construct housing for the elderly and provide assisted living and elder care services. Ms. Isgro explained to the members the three options he has available. Mr. Oriol inquired about a LIP project and was given information by Leon Gaumond (Town Administrator). Mr. Chevalier felt the board needs to help in any way possible. More discussion ensued, but due to timing, the matter will be revisited after the Buono hearing.

Public Hearing – Paul & Tina Buono (10 Evergreen Avenue) – Variance Application – The hearing notice was read by the Chair. Mr. Buono and his contractor, Don Scanlon, were present. Mr. Buono supplied photos of the neighborhood for the board to view. He proposes to construct a covered porch on the front of his existing dwelling. The setback is 25' 3" from the foundation. He proposes to come off the front of the house to 8', 7' wide with a covered entryway. Presently he has issues with snow and ice coming off the roof. Currently there are 6 poured concrete steps. The distance from the house to the curb is approximately 45'. The home is on a private way. The home was built in 1986. The frontage is on Evergreen Avenue. They will be removing the concrete steps and putting in pressure treated floor, vinyl railing and wood roof. The steps will be at least 4' wide. One reason for the longer landing is aesthetics.

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It is not known yet how many steps there will be (6 possibly 7). Surrounding lots were discussed. Ms. Isgro said the neighborhood consists of very small non-conforming lots and none of those lots meet the present day dimensional requirements. Ms. Isgro read from the Zoning Bylaws Section 4.3C "Projections" and the hardship requirements for granting a variance. The street is not highly traveled since it is a private way. Hardship was discussed with Mr. Chevalier stating that the argument would be that the existing structure is hazardous in the winter. Mr. Colangelo asked why it could not be constructed on the right. Mr. Scanlon stated that would involve reworking the entire sidewalk and that aesthetically it would look terrible. Mr. Witkus disagreed and said it would look good and he would save 8'. Mr. Colangelo said he has an issue with setbacks because he is unsure of what the town will do with Evergreen Avenue. They may never widen it or they could widen the 20' they are allowed. He felt trying to minimize the amount of encroachment into the frontage would be a better situation. Mr. Witkus asked about the foundation in the back and was told that it was an addition that has since been completed and signed off by the building inspector. The new footprint will essentially be built in the same footprint as the old. No other feedback was received from other boards/departments. Mr. Chevalier summarized that the request for the projection of the new structure (the roof) will not exceed the existing projection off the current house; he is asking because it is a hazard (the roof pitches over the stairs and ice is an issue); there is a house on the corner that is within 10'-15' of the roadway as it is now; and Mr. Buono's house is 45' from the street line. Ms. Isgro made a motion to close the Public Hearing; Mr. Chevalier seconded; all agreed; none opposed.

After board discussion, Mr. Chevalier made a motion that the board grant Paul and Tina Buono of 10 Evergreen Avenue, West Boylston MA, a Variance under West Boylston's Zoning Bylaws, Section 4.2 "Schedule of Dimensional Requirements" to construct a covered porch on the front of their existing dwelling, not to exceed the current projection of the existing stairs and landing currently attached to the house. The record title stands in the name of Paul and Tina Buono. Mr. Witkus seconded. The vote was as follows: Matthew Colangelo – yes; Barbara Deschenes – yes; Charles Witkus – yes; Linda Isgro – yes; Philippe Chevalier – yes.

Old Business

Chapter 40Bs Update – The Round Table Discussion was continued. Mr. Chevalier added that if Mr. Oriol is proposing something that would be more suitable for that area and the neighborhood, we should go out of our way to help. Mr. Witkus feels it is a good project, but asked Ms. Isgro why she proposed 25% affordable when they are not apartments. She said the board did when they amended the original Comprehensive Permit. Mr. Chevalier said if Mr. Oriol opted for home ownership, he is required to have at least 25%. He can do more, but 40B requires him to have a minimum of 25% set aside for affordability. Mr. Chevalier further said that the project as a whole should be looked at to see what it is, if it is desirable, if it works, or if it is fit, and not get caught up in numbers. Ms. Isgro asked if there was anything that could be utilized from our current permit. Mr. Chevalier said if Mr. Oriol wants to change the scope of the project, he will have to make a request to the board asking if the board considers it a substantial change or not. Ms. Isgro said that if we want to do more negotiating or compromise to the amended Comprehensive Permit, it is her opinion that we should be the ones to review that. We know the project best. Mr. Chevalier said that the local initiative petition under 40B only changes the applicant from property owner to the town and the property owner. The town comes before the board with the petitioner. We can act the same as if it was just the property owner. Ms. Isgro said in order to keep the project alive, she feels it should be kept off of the permit that is already in place. It is her understanding that you cannot revisit a permit on a site for three years, similar to if an applicant comes to us and is turned down; they can't come back before the board for three years. It is repetitive. After lengthy discussions continued, Ms. Deschenes felt that we are beating a dead horse; talks have gone on for over a half hour, and nothing has been gained. The board agreed. More discussion will take place when something has been presented.

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SHI's were not discussed at this meeting and will be continued to the next.

Mr. Chevalier made a motion to accept the September 22, 2011 Meeting Minutes; Mr. Colangelo seconded. The vote was as follows: Matthew Colangelo – yes; Barbara Deschenes – yes; Charles Witkus – yes; Linda Isgro – yes; Philippe Chevalier – yes.

Invoices were paid.

The next meeting is scheduled for December 15, 2011.

Mr. Chevalier made a motion to adjourn; Ms. Deschenes seconded; all in favor. The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Melanie Rich, Secretary

Date Accepted: _____

By: _____