

DRACUT ZONING BOARD OF APPEALS

Meeting Minutes of March 20, 2014 at 7:00 p.m. @ Harmony Hall, 1660 Lakeview Avenue, Dracut.

2014-5 & 6 @ 18 Libby Street – Special Permit pursuant to sections 2.16.25 and 2.16.23 of the Dracut Zoning Bylaw and a Variance to eliminate a boundary encroachment and to construct a single family home. Petitioner: Libby Street, LLC. Chairman Crowley read a letter from Attorney Fadden dated March 6, 2014 requesting a continuance to the April 2014 meeting.

A motion to continue to the April 17, 2014 meeting was made by Mr. Hamilton and seconded by Ms. Santiago-Hutchings. The Board voted unanimously to continue.

2014-7 @ 43 Savoy Avenue – Variance 2.12.50 for rear yard setback to extend existing garage front by 6 feet. Petitioner: Noel Tabor, Remedy PMG, LLC. Chairman Crowley noted that there are only four (4) members present this evening and if a vote was being requested for a variance you would need all four (4) members voting in favor. He asked Mr. Tabor if he wanted to move forward under these circumstances and he agreed to proceed.

Chairman Crowley opened the meeting and signed in a set of prints drawn by Leo B. White, Professional Land Surveyor dated 2/5/14.

Mr. Tabor of 375 North Street, Tewksbury representing Remedy PMC, LLC stated they are rehabbing the home which is an old colonial with a small carriage house type dwelling on the property which is too small for an average automobile. They would like put an addition on so an average car could fit inside. The Building Department informed them it was too close to the back property line so they would like to put a front six (6) foot addition towards the street. The garage or the structure itself is set behind the house. Chairman Crowley asked if it was a single family home. Yes! He noted it would remain a single family home and it is understood that this garage is not to be used for anything except storage of an automobile or normal accessory use and not as living space.

Chairman Crowley noted they want to extend the garage from the existing 15.6 feet to 20.6 feet. He passed out pictures sent over by the Building Inspector. He noted they had already started building on the garage. Mr. David Schaufus, Contractor of 4 Hazelwood Avenue, Tewksbury stated they had started work on the roof, but stopped when the Building Inspector informed them they would need a variance to make it any larger. Mr. Hamilton asked what the big hole in front of the garage was. Mr. Schaufus stated they were digging in preparation for footings. The proposed addition is coming straight out from the garage and not increasing the non-conformity. Mr. Schaufus stated they are adding 5.5 feet. Chairman Crowley noted they are not going to add 5.5 feet as it will be 5 feet because that is what was shown on the print. It was agreed it will be for a 5' x 14.6' addition if granted. Mr. Hamilton questioned the 4' roof over going towards the side yard shown on the print. Mr. Tabor stated the roof was originally there over the pad used for trash barrels. Chairman Crowley made it very clear they could pour a pad for trash

barrels, but if granted there will be no extension of the building footprint on the side. There will be no roof over the pad.

Abutters: Who came forward in favor or in opposition? None.

A motion to close was made by Mr. Stephen Hamilton and seconded by Mr. Michael Pagonos. The Board voted unanimously to close.

A motion to approve the Variance for a 5' x 14.6' addition to the front of the existing garage was made by Mr. Stephen Hamilton and seconded by Ms. Heather Santiago-Hutchings. Chairman Crowley noted the property itself is a single family home and this is an accessory garage use. This is for a 5' x 14.6' addition to the front only of the existing garage structure and the print showing a roof over to the side is incorrect, there will be no roof. The only structure being approved is the actual structure of the garage itself. Mr. Hamilton added the height of the addition will be no higher than the existing garage. The Board finds the petitioner meets the requirements of a Variance as follows: that there is a hardship on the use of the land based on the soil conditions, shape or topography, this requested use does not derogate from the intent of the zoning by-law, and it is not injurious to the neighborhood. The Board voted unanimously to approve.

2014-8 @ 7 Clyde Avenue – Variance 2.12.50 for proposed in ground pool with insufficient front yard setback on Clark Avenue and rear yard setback. Petitioner: Karen Merrill.

Chairman Crowley noted that there are only four (4) members present this evening and if a vote was being requested for a variance you would need all four (4) members voting in favor. H asked Ms. Merrill if she wanted to move forward under these circumstances and she agreed to proceed.

Chairman Crowley opened the meeting and signed in a set of prints drawn by Richard A. Alleca, Professional Land Surveyor dated December 30, 2013 and revised March 3, 2014. Ms. Merrill stated she is looking for a variance from the side and rear yard setback for an in ground pool. Chairman Crowley clarified that since this is a corner lot it would be for a front yard setback on Clark Avenue (not a side yard) and a rear yard setback. She purchased the home about ten (10) years ago. Chairman Crowley asked if there was a pool there when she purchased the home. Ms. Merrill answered no stating the previous owner had collapsed the in ground pool a year before she purchased the property. A GIS picture from 2001 was passed out showing there was a pool at this site. Chairman Crowley asked if this was a single family home. Yes!

Mr. Hamilton questioned why it had to be set 10 feet from the front and not 30 feet. Ms. Merrill noted that if she moved it further into the yard it would be closer to the garage and bulkhead and the pool apron would not fit as well. Mr. Hamilton asked if there was anything about the land that would prevent her from putting it back further. She answered no, just personal preference.

There was a discussion about where the previous pool was located on the property. After further review, Mr. Hamilton noted the previous pool looked like it was more in line with the front of the house than where the proposed pool is being shown now. Mr. Hamilton asked Ms. Merrill if she added the bulkhead or was it already there when she bought the house. Ms. Merrill stated she added it.

When Ms. Merrill met with the pool company about the pool size there was a discussion that if the pool had to be moved, there is an option to tweak the size or shape. Chairman Crowley noted that the Board needs to make sure where the pool is going because once

you grant the variance that becomes the location should it get granted. The rear yard setback for a pool is 15 feet with the proposed pool being at 9 feet.

Mr. Hamilton expressed his concern regarding front yard variances. Chairman Crowley noted from his prospective he is not having a big problem as there was an existing pool there, but also recognizes what Mr. Hamilton is saying that if you have the space, maybe you need to move it further off of Clark Avenue to minimize the impact. Mr. Hamilton noted he is not convinced that the existing pool that was there in 2001 was encroaching into the front yard as much as this pool. If it was the side yard would be something different, but the front he has trouble with.

Given the fact that Ms. Merrill knows she is going to need all four members voting in favor of this, Chairman Crowley asked her if she wanted to consider realigning the pool location. Ms. Merrill indicated she would like to reconsider the location. Chairman Crowley explained that she would have to speak with her Surveyor Mr. Alleca or the pool company to see if they could revise or reconfigure the pool and location. After further discussion, it was agreed to continue to the April meeting.

Abutters: Who came forward in favor or in opposition?

Kevin McCarthy, 46 Upland Street – in favor, have no problem with this request.

A motion to continue to the April 17, 2014 meeting was made by Mr. Hamilton and seconded by Ms. Santiago-Hutchings. The Board voted unanimously to continue.

Acceptance of Minutes:

A motion to accept the February 27, 2014 minutes was made by Mr. Stephen Hamilton and seconded by Mr. Michael Pagonos. The Board voted unanimously to accept the minutes.

Old Business:

Chairman Crowley was pleased to announce that Michael Pagonos has volunteered to represent the Board on the Economic Development Committee. He thanked Michael and is sure he will do an excellent job.

New Business:

The DHCD Subsidized Housing inventory update dated February 21, 2014 was passed out.

Chairman Crowley read a letter from David Meli addressed to Ann Vandal, Acting Town Manager stating that with regrets he will not be seeking reappointment to the Board due to family and work schedules. We will certainly miss him as he has done a wonderful job for the Board. He is a very diligent and knowledgeable person and we wish him the very best. The Board will not be looking for two (2) members.

Next Meeting:

Thursday, April 17, 2014

Adjournment:

A motion to adjourn was made by Mr. Michael Pagonos and seconded by Mr. Stephen Hamilton. The Board voted unanimously to adjourn.

Board of Appeals Members

Chairman, John Crowley

Vice Chairman, Stephen Hamilton

Absent
Clerk, R. Scott Mallory

Absent
Member, David Meli

Member, Heather Santiago-
Hutchings

Alt. Member, Michael Pagonis