

DRACUT ZONING BOARD OF APPEALS

Meeting Minutes of May 21, 2015 at 7:00 p.m. @ Dracut Town Hall Selectmen's Meeting Room, 62 Arlington Street, Dracut.

2015-2 & 3 @ 48 Elm Street – Special Permit 2.16.25 and Variance 2.12.50 for proposed single story addition and garage with insufficient front yard setback on Elm Street and Cross Street. Petitioner: Michael S. Gannon.

Chairman Crowley opened the meeting and signed in a set of prints drawn by James D. Aho, Professional Land Surveyor dated March 31, 2015.

Mr. Gannon stated he had a house fire which was deemed a total loss. He is proposing to rebuild on the existing footprint, but would like to add an addition on the front of the house with an attached garage on the rear with insufficient front setback on Elm and Cross Street. The proposed addition would allow his wife a wide open to get around within the house who is disabled. The proposed attached garage will also create a wide open space for her to pull into which will allow for a handicap accessible ramp to the house. The proposed addition would increase the existing footprint by 12' x 33.7' on Elm Street with the proposed garage at the rear of the house on Cross Street.

The lot has three (3) front yards with a 30 foot setback on three sides. This does decrease the building space. The proposed addition and garage will not add further congestion or be unsafe and will not deter from the view of sight at the two (2) intersections. It will be a single story home and matches aesthetically to the neighborhood.

Chairman Crowley noted that the proposed garage and addition in the front are at least as far back as the existing house. Mr. Hamilton noted that due to the shape of the lot a variance is required. He also noted that the only reason a dimensional variance is needed for the left corner of the addition is because the lot line is angled down from Cross Street as the right side of the addition has more than 30 feet from the lot line. Mr. Gannon agreed. The garage needs a front yard variance of 16.7 feet from Cross Street. The addition needs 0.8 feet from Elm Street and 19.6 feet from Cross Street.

Chairman Crowley asked about the shed that does not meet the setback requirement. Mr. Gannon stated the shed will be removed or moved to meet the setback. The driveway will be on Cross Street.

Abutters: Who came forward in favor or in opposition?

Robert Cloutier, 55 Elm Street – in favor. Has no issue with what the Gannon's want to do and will fit in well with the neighborhood as all the houses are close to the street.

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

A motion to approve the Special Permit was made by Mr. Stephen Hamilton and seconded by Mr. Scott Mallory. Mr. Hamilton noted the relief sought falls within the guidelines of 2.16.25 for alteration of a single family with a Special Permit. The Board notes the petitioner meets the intent of this Special Permit section and can be granted the permit without any derogation of the by-laws or without being injurious to the neighborhood. The Board voted unanimously to approve.

A motion to approve the Variance was made by Mr. Stephen Hamilton and seconded by Mr. Scott Mallory. Mr. Hamilton feels the addition that the petitioner is proposing is set back even further than the current house on the side yards, which are front yards, so they are not increasing the non-conformity on that behalf. The addition he is proposing in the front is only because of the shape of the lot in one particular part that fails to have sufficient setback by .8 feet. He has plenty of setback for the rest of that addition so he feels that shows the hardship based on the shape of the lot. Chairman Crowley noted the petitioner has indicated it is a single family home and will remain a single family home. He noted that frontage on three (3) streets makes it somewhat unique. For the record, the shed shown on the print will be either moved back or removed in conjunction with the Building Department prior to occupancy for the house. 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.

Acceptance of Minutes:

A motion to accept the April 16, 2015 minutes was made by Mr. Brian Lussier and seconded by Ms. Heather Santiago-Hutchings. The Board voted unanimously to accept the minutes.

Mascuppic Village Comprehensive Permit Update @ 780 Nashua Road:

Mr. Lussier recused himself and stepped down. Attorney Smolak presented a letter dated May 13, 2015 for a proposed First Amendment to LIP Regulatory Agreement for the Board's review and approval. The requested amendment is to adjust the maximum sales price for the affordable units from \$166,200 to \$169,200 based upon adjustments to the latest 2015 HUD Income Limits. Attached to the letter was the Income Limits and an email dated May 13, 2015 from Toni Coyne of DHCD with their approval. Chairman Crowley noted he received an email from Attorney James A. Hall dated May 20, 2015 indicating he has already looked over the amendment and reviewed a copy of an approval letter from DHCH. The amendment is acceptable as to form. Attorney Smolak stated if approved by this Board it would then go to the Board of Selectmen.

A motion to approve the requested First Amendment to LIP Regulatory Agreement was made by Mr. Stephen Hamilton and seconded by Mr. Scott Mallory. The Board voted unanimously to approve.

Next Meeting:

Thursday, June 18, 2015

Adjournment:

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

Board of Appeals Members

Chairman, John Crowley

Vice Chairman, Stephen Hamilton

Clerk, R. Scott Mallory

Member, Heather Santiago-
Hutchings

Alternate Member, Brian Lussier

Absent
Alternate Member, Richard Ahern