

DRACUT ZONING BOARD OF APPEALS

Meeting Minutes of June 18, 2015 at 7:00 p.m. @ Dracut Town Hall Selectmen's Meeting Room, 62 Arlington Street, Dracut.

2015-4 @ 130 Loon Hill Road – Variance 2.12.50 for inadequate frontage to accommodate subdivision of property to create one additional buildable lot. Petitioner: John L. Getman.

Chairman Crowley opened the meeting and signed in a set of prints drawn by James D. Aho, Professional Land Surveyor dated May 5, 2015.

Mr. Getman stated he needs a variance to subdivide his property for one (1) additional building lot with insufficient frontage of 58.78 feet. The existing lot has over seven (7) acres of land. He has been approached with a 40B project on Broadway Road about one year ago and an Approval Not Required subdivision for multiple homes, but he is not interested in either project. He just wants to do one single family home only creating Lot A. Lot B has an existing single family home.

Chairman Crowley verified that Mr. Getman wanted to subdivide his land to get two (2) lots. Yes! He also noted that 30% of the wetlands were used to bring the total usable area of Lot A to 78,751 sq. ft. and Lot B to 94,133 sq. ft. Both lots meet the 40,000 sq. ft. minimum requirement in an R-1 zone.

Abutters: Who came forward in favor or in opposition?

Richard McKinnon, 157 Loon Hill Road: After reviewing the plot plan, Mr. McKinnon would like the fire hydrant moved 175 feet closer to the new lot and his house for fire safety. Has no objection if the fire hydrant is moved. Chairman Crowley questions whether the fire hydrant is appropriate in addressing the hardship, but will discuss when they get to the decision.

Joanne Willard, 126 Loon Hill Road: She has no objections to the project if a new fire hydrant is added, but prefers the existing fire hydrant remains as it is close to her home. A motion to close was made by Mr. Scott Mallory and seconded by Mr. Brian Lussier. The Board voted unanimously to close.

A motion to approve the Variance was made by Mr. Scott Mallory and seconded by Ms. Heather Santiago-Hutchings. Chairman Crowley suggests that should the Board decide to grant his, the Fire Department is asked to look at whether or not the extension of the fire hydrant in the neighborhood is needed or warranted as part of consideration for granting any further building permits. Mr. Lussier is in favor of this project instead of another road that the town would have to maintain. Mr. Mallory feels if this were dividing the piece of property in such a way that there was no necessary relief sought, but it is unclear with the shape of the lot and the fact that the frontage is less than what is in the Zoning By-Law, that the hardship is being created by the petitioner. Chairman Crowley understands, but feels generally if the square footage is there it is not an area issue, it does fall within the parameter of what the Board is allowed to vary based on shape and topography. The shape of the lot does enter into it and to have several acres of land for a single family home, he does not think it is excessive. Frontage and those issues

are developed to prevent over building, unnecessary density or closeness to homes and does not think in this case it is as critical as it might be in other areas. Chairman Crowley notes this is an R-1 Zone for a single family home and only for a single family home. Would like to have the motion include that the Building Inspector consult with the Fire Department as to whether or not any additional fire protection is needed going forward with this one petition. 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. Those voting to approve were Mr. John Crowley, Ms. Heather Santiago-Hutchings, Mr. Brian Lussier, Mr. Richard Ahern with Mr. Scott Mallory voting against. The motion carries on a majority vote of four (4) to one (1).

Acceptance of Minutes:

A motion to accept the May 21, 2015 minutes was made by Ms. Heather Santiago-Hutchings and seconded by Mr. Brian Lussier. The Board voted unanimously to accept the minutes.

Old Business:

Chairman Crowley announced that one additional member is needed for the Board.

New Business:

Outline of the Aggregation Program was read by Chairman Crowley. The outline will be available on the Dracut Web Site at dracutma.gov.

Next Meeting:

Thursday, July 16, 2015

Ms. Heather Santiago-Hutchings will not be able to attend.

Adjournment:

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

Board of Appeals Members

_____ Chairman, John Crowley	_____ <u>Absent</u> Vice Chairman, Stephen Hamilton
_____ Clerk, R. Scott Mallory	_____ Member, Heather Santiago-Hutchings
_____ Alternate Member, Brian Lussier	_____ Alternate Member, Richard Ahern