

LONGMEADOW ZONING BOARD OF APPEALS
Minutes of the August 15, 2007 hearing

Omni-point, T-mobile, 260 Meadow Rd., requesting to be allowed to put a cell tower on property, Petition #2006-18.

Petition was continued to Oct 2, 2007.

McDonough, 25 Harwich Rd., requesting a Special Permit to remove porch and replace with four season room, Petition #2007-7.

Mrs. McDonough has appeared before the Board several times regarding the removal of the porch and replacing it with a four season porch. The original meeting (April 10, 2007) for the petition was continued to May 2, 2007 then to June 6, 2007 than June 26, 2007 and finally to July 18, 2007. At the July 18, 2007 hearing Attorney Pacella on behalf of the petitioner presented a memorandum in support of the application.

After some discussion the Board voted to deny the petition because the new addition would create a new non-conformity and according to MGL c40A, Section 6 no new non-conformity by means of a Special Permit and that she would need to meet the requirements of a Variance. The petitioner than asked the Board to rescind the denial so they could submit an amended plan wherein the proposed addition did not encroach into the side yard set back. The Board agreed to rescind there decision and continued the petition to Aug. 15, 2007.

Mrs. McDonough then appeared before the Board on August 15, 2007 with an amended plan wherein the addition did not encroach upon the 15' side yard setback. The Board noted that the addition would increase the existing non conformity relating to the primary setback but based on the presentation of the Applicants and the public, the addition generally conformed to the conditions in the neighborhood.

A motion was made and seconded that the 10' X 20' addition to the western side of the dwelling would result in an increase in the non conformities of the dwelling.

Board Members Lavenburg, Plotkin, Freyman and Preston all voted in the affirmative therefore moving to step 2.

A second motion was made and seconded that the addition would not be substantially more detrimental than the existing nonconformity.

Board members Lavenburg, Freyman, Plotkin & Preston all voted in the affirmative therefore the Special Permit was granted.

Stocks, 54 Meadowlark Dr., requesting a Variance to extend the north side of dwelling into the side setback, Petition #2007-24.

The Applicants appeared before the Board and presented a revised plan showing a new 26' X 22' addition to the northern side of the existing dwelling. The addition would encroach 1' 6" within the side yard requirements making the addition 13.6' from the property line. Mr. Stocks requested a Variance because of the additional cost to shift the addition the 1' 6" in the southerly direction.

The Board discussed the requirements needed to meet the Variance requirements of a substantial hardship owing to the "circumstances relating to the soil conditions, shape or topography of the land". The Board felt the petitioner did not meet these requirements. Mr. Stocks felt a hardship existed due to the topography of the land. Mr. Stocks argued that shifting the addition further to the south based on the slope of the property would

increase the cost of the project. Mr. Stocks builder, Ted Dicosmo gave a rough estimate of four thousand dollars of additional expense.

Letter from Lloyd Sutton of 53 Meadowlark Drive and Tai Kang of 64 Meadowlark Dr. were submitted which were in support of the proposed addition. No one from the public spoke for or against the petition.

The Board discussed the issue regarding a Variance and felt that the applicant did not meet the requirements of a Variance and that the Board could not grant the Variance. The Applicant then asked to modify the original application from a Variance to a Special Permit and amended the revised plan keeping the addition outside of the 15' side setback requirement along the northern property line. The Board noted that the addition would increase the area of the existing structure on an existing non conformity lot but the addition generally conformed to the neighborhood.

The Board agreed to accept the Applicants verbal amendment of the application to a request for a Special Permit.

A motion was made and seconded that the proposed addition to the northern side of the structure would increase the nonconformities of the dwelling.

Board Members Lavenburg, Plotkin, Freyman and Preston all voted in the affirmative therefore moving to step 2.

A second motion was made and seconded that the proposed addition would not be substantially more detrimental to the neighborhood than the existing nonconformities.

Board Members Lavenburg, Plotkin, Freyman and Preston all voted in the affirmative therefore the Special Permit was issued.

White Mountain Longmeadow, LLC, 901-923 Shaker Road, requesting a Variance for a proposed ATM machine within the primary setback, Petition #2007-25.

The Petition was withdrawn.

Goodrow, 9 Lincoln Park, requesting a Special Permit to add a deck on the westerly side of the dwelling, Petition #2007-26.

Ms. Goodrow and her attorney John Drost appeared before the Board requesting a Special Permit to construct a 11 ½' X 11 ½' deck on the westerly side of the dwelling.

It was noted that the application for a Special Permit was filed after the applicant received a letter from Building Commissioner Mark Denver to cease and desist the construction of the deck as it needed Zoning Board approval.

The Board discussed the issues and noted that the proposed deck would not create any additional non conformities although the existing non conformity along the primary set back to Longmeadow St. would be increased.

No one from the public spoke for or against the petition.

The Board then requested that the Applicants submit a revised plot plan which accurately sited the existing house and the proposed deck on the property and continued the petition to the September 11, 2007 hearing.

Board Members Lavenburg, Freyman, Preston and Ryan all voted to continue the petition.

Ryan, 29 Warren Ter., requesting a Special Permit to add a one story addition on the rear of the dwelling, Petition #2007-27.

Mr. Ryan appeared before the Board requesting a Special Permit to add a 12' by 20' wide addition on the rear of the dwelling. The applicant noted that the existing dwelling is nonconforming due to it having a primary setback of only 12 feet from the property line.

No one spoke for or against the petition.

A motion was made and seconded that the proposed addition does not increase the existing nonconformity relating to the primary setback.

Board Members Lavenburg, Plotkin, Preston and Freyman all voted in the affirmative therefore the Special Permit was granted.