

ZONING BOARD OF APPEALS HEARING
Police Station Community Meeting Room, 34 Williams Street
Tuesday – July 7, 2009 – 7:30 pm

Present: Board Chairman David Lavenburg, Members Stephen Bennett, Ellen Freyman, Daniel Plotkin, Russell Preston, James Ryan and Mark Sirulnik.

Chairman Lavenburg opened the hearing at 7:31 p.m.

Old Business:

Petition #2009-11; Lot #61 Wild Grove Lane; Witoslaw; request to amend a special permit. Board Chairman David Lavenburg made a motion to continue the matter to the August 11, 2009 hearing. Board Member Preston seconded the motion. A vote was called and Board Members Lavenburg, Freyman, Plotkin, Preston and Ryan voted in favor of the motion to continue the matter.

Petition #2009-12; 170 Dwight Road – Grande Meadow Tennis; request for a special use permit to install new flooring for an indoor sports complex. Owner Leo Shapiro and Director of Operations Robert Baillargeon appeared before the Board. The application had been continued from June 17, 2009 as the Board needed proof the business is non-profit as that is the only reason the Board would have jurisdiction in this matter. The applicant provided the Board with proof of the non-profit status and with copies of special permits from prior years as requested. The Board confirmed there would be no changes to the exterior of the building and the usage for indoor sports would remain the same. There was no public comment either for or against the application. Board Member Mark Sirulnik made a motion to grant the special permit based on the application as presented and subject to incorporation of any and all restrictions from prior years' permits. Member Russell Preston seconded the motion. A vote was called and Board Members Lavenburg, Bennett, Plotkin, Preston and Sirulnik voted unanimously in favor of the motion to grant the special permit.

Petition #2009-10; Lot 212 & 213 Lincoln Road; Crossman; request for variance.

The petitioner, Erica Crossman, is requesting a variance to combine two lots in order to sell them as one. Attorney Bradford Martin and Real Estate broker Hans Doup appeared with the applicant. There was some discussion as to whether the Board has jurisdiction in this matter and the Board clarified to the applicant that they do not have authority to deem a lot as "buildable" before its sale. Attorney Martin expressed his desire to withdraw the application. There was no public comment either for or against the withdrawal of the application. Board Chair David Lavenburg made a motion to allow the applicant to withdraw the application. Board Member Freyman seconded the motion. A vote was called and Board Members Lavenburg, Bennett, Freyman, Plotkin and Ryan voted in favor of the motion to withdraw the application.

New Business:

Petition #2009-16; Lot #36 Terry Drive; Whipple; request for special permit to build a new single family dwelling. Attorney Stanley Komack appeared with the applicant. The proposed dwelling would be a conforming house on a lot that is non-conforming as to frontage and total area. The applicant believes the lot was a buildable lot before the current zoning by-laws were enacted, and that it meets the other provisions of the grandfather clause, so he would like to withdraw the application. Ellen Freyman, 56 Terry Drive, spoke in favor of the proposed dwelling, as did Barbara Orsatti, 78 Grassy Gutter Rd. Board Member Daniel Plotkin made a motion to allow the applicant to withdraw the application. Board Member Russell Preston seconded the motion. A vote was called and Board Members Lavenburg, Bennett, Plotkin, Preston and Ryan voted in favor of the motion allowing the applicant to withdraw the application.

Petition #2009-15; 118 Eton Rd.; Dickstein; request for special permit to build an addition on the rear of the dwelling. The current non-conformities are the front and north side setbacks. There was no public comment either for or against the proposed addition. Board Member Daniel Plotkin made a motion that the Board find that the proposed addition to the rear of the dwelling would not increase the existing non-conformities. Board Member Preston seconded the motion. A vote was called and Board Members Bennett, Freyman, Plotkin, Preston and Ryan voted in favor of the motion. The special permit was granted.

Petition #2009-13; 122 Ellington Street; Greenberg; request for a special permit for a second floor addition. The applicant was represented by Dick Curran. Mr. Curran provided the Board with the graphic support requested to complete the application. The existing non-conformities are the frontage, the lot size and the east and south setbacks. There was no public comment either for or against the application. Board Member Russell Preston made a motion that the proposed 13 x 7 foot addition to the north side of the dwelling would not be more intensive than the existing non-conformities. Board Member Daniel Plotkin seconded the motion. A vote was called and Board Members Lavenburg, Bennett, Plotkin, Preston, and Sirulnik voted in favor of the motion and the special permit was granted.

Petition #2009-17; 21 Woodmont St.; Kennedy; request for a variance to build an inground swimming pool on the side of the dwelling. Brian Juliano, owner of Juliano Pools appeared with the applicant. No one from the public was present to speak for or against the application. After much discussion as to whether the application meets the specific requirements for a variance, Board Member Freyman made a motion that the Board approve the variance and permit a pool to be placed on the north side of the property based on the following findings:

1. the unique shape of the lot which is 225 feet wide and 100 feet deep,
2. the topography of the lot which has a significant drop on the north side of the property,
3. the inability to utilize that portion of the property without a variance,
4. relief may be granted without substantial detriment to the public good as the pool will not be visible to the public, and would be in keeping with the intent of the by-laws in placing the pools away from view and accessibility to the public, and
5. no one from the public spoke against the proposed pool.

Board Member Preston seconded the motion. A vote was called and Board Members Lavenburg, Freyman, Plotkin, Preston and Ryan voted in favor of the motion; the variance was granted.

Petition #2009-14; 362 Converse St.; Batchelor; application for a special permit to enclose a side porch. The applicant was not present, and no one from the public was present to speak about the application so the matter was not addressed.

The hearing adjourned at 9:23 p.m.

Respectfully submitted,
Elayne Ayan