

Town of Wilmington  
Board of Appeals  
Minutes – November 8, 2017

The Board of Appeals held a meeting in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA. The meeting was called to order at: 7:00 p.m. Daniel Veerman, Anthony Barletta, Thomas Siracusa, Jacquelyn Santini and Raymond Lepore were present.

Continued

Case 28-17

Michael Welch

Map 54 Parcel 41

To acquire a Special Permit in accordance with §6.1.6.4 (to demolish a single story dwelling and construct a two-story dwelling, 8 feet from the side yard lot line, 7 feet from Glen Road and 12 feet from Rhodes Street) for property located on 95 Glen Road.

Michael Welch was present and stated he wanted to demolish the existing single story 54x16 and replace it with a 20x44 two story dwelling. He was proposing to be 14.4 feet from the front on Glen Road, 12 feet from the front on unconstructed Rhodes Street and 8 feet from the side, no more nonconforming than the existing dwelling. He had the proposed unapproved septic system plan with him. The Planning Board could not make a recommendation at this time, the application did not include the septic system plan, ground water protection plan and location of the driveway. Anthony Barletta was not comfortable with the elevation and grades. He felt this dwelling was too large/tall for this lot and asked if he could reduce the bedrooms, which would reduce the size of the septic system and the four foot wall on three sides of the rear portion of the lot, located along the lot line. Thomas Siracusa felt the Board should give the applicant some kind of direction of what would be acceptable to the Board so that the applicant would not have to keep coming back to the Board. After some discussion, Raymond Lepore made a motion to continue to December 20, 2017, Jacquelyn Santini seconded. Voted unanimously.

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New

Case 29-17

Doug Elfman c/o Phil Taylor Esq.

Map 26 Parcel 7D

To appeal the decision of the Inspector of Buildings. The existing garage has an addition and no building permit was applied for or issued for the carport. A Special Permit was approved on September 26, 2007 to allow an existing carport to remain as it stands as shown on the plan, for the life of the structure. Our records indicate that the Special Permit was not recorded at the Middlesex North Registry of Deeds, therefore, it has lapsed, and a building permit was never applied for or approved for the carport. The applicant has since, constructed an additional bay to the garage and must now apply for a variance to encroach .3 feet from the side lot line when 15 feet is required for property located on 827 Main Street.

List of documents submitted. Attorney Phil Taylor submitted a letter and copies of five photos showing the garage in question. He stated that he believed this was a pre-existing nonconforming structure because 10 years had elapsed since Dan Paret issued a letter stating that the applicant was building an addition to the garage without building permits. He applied to the Board of Appeals for a Special Permit but it was not recorded, nor had a building permit been applied for or issued. Earlier this year, he applied for a Special Permit to construct a second floor to the existing dwelling, but it was returned to him because it was not a complete application. At this time, Al Spaulding let him know that the garage was in violation as no building permit had been applied for nor issued. He also stated that this extension would require a variance from the Board of Appeals. Daniel Veerman recalled some of the previous meeting and that the client was given some consideration so that he would not have to dismantle the already constructed carport. Thomas Siracusa asked if they planned to make the corrections. Anthony Barletta asked if it was closed in as the decision states carport. Daniel Veerman asked why this wasn't recorded back in 2007. Thomas Siracusa wanted to know if the Special Permit was now null and void. No abutters made comment. The Planning Board recommended upholding the decision of the Building Inspector. Daniel Veerman closed the meeting. The Board directed the secretary to contact Town Counsel with their questions. The original Special Permit has lapsed - does 40A §7 now apply. That type of relief needs to be made if any - Special Permit or Variance for the carport. Thomas Siracusa made a motion to continue to December 20, 2017, Jacquelyn Santini seconded. Continued to December 20, 2017.

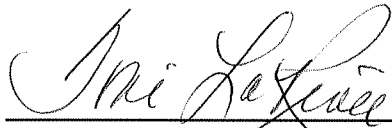
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Daniel Veerman made a motion to cancel the December 13, 2017 meeting and reschedule it to December 20, 2017, Jacquelyn Santini seconded. The next regularly scheduled Board of Appeals meeting will be, December 20, 2017 at 7:00 p.m. in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA.

Motion to adjourn at 8:50 p.m. by Thomas Siracuse, seconded by Jacquelyn Santini.  
Voted unanimously.

A handwritten signature in cursive script, reading "Toni La Rivee", written over a horizontal line.

Recording: Toni La Rivee, Secretary  
Board of Appeals