

Town of Wilmington
Board of Appeals
Minutes – November 14, 2018

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. Anthony Barletta, Thomas Siracusa, Jacquelyn Santini and Raymond Lepore were present.

Continued from October 17, 2018.

Anthony Barletta explained that there were only four members present and the applicant could not sustain a no vote. It was agreeable with Attorney Newhouse and Robin Marciello.

Case 18-18 Robin Marciello c/o M. Newhouse Esq. Map 040 Parcel168A

To acquire a variance from Standard Dimensional Regulations Table II, §5.2.4 to demolish a nonconforming barn and construct a single family dwelling 30 feet from the front lot line when 40 feet is required for property located on 11 Commonwealth Avenue.

Attorney Michael Newhouse was present along with Robin Marciello. Anthony Barletta explained that the Board had received an email from Town Counsel stating that, in his opinion, "regardless of whether merger rendered the structure on Locus unlawful while Locus was held in common ownership with the Adjoining Lot, the fact that more than ten years has passed since the two lots were conveyed into separate ownership results in the barn on Locus being entitled to protection as a preexisting nonconforming structure. Accordingly, if the Board determines that reconstruction of the barn and replacement of the nonconforming recreation use with a conforming single family residential use would not be substantially more detrimental to the neighborhood, it is my opinion that it may grant a special permit as requested by the applicant." Jacquelyn Santini made a motion to change the application from a variance to a Special Permit, in accordance with Section 6.1.4 to demolish a barn and construct a single family dwelling 30 feet from the front lot line when 40 feet is required, Thomas Siracusa seconded. Voted unanimously.

Anthony Barletta asked Attorney Newhouse to present to the Board what was being proposed. Michael Newhouse stated that they wanted to construct a split cape, 52'x26' with a 10'x12' deck to the side. The lot was 14,000 square feet and the proposed dwelling would meet all the dimensional requirements except for the front yard setback. Anthony Barletta explained that if any substantial changes were made to the dwelling, the applicant would have to amend the Special Permit. Abutter Mary Vocella stated she was still opposed to the proposal. She felt that

she would be impacted by this development. Jacquelyn Santini made a motion to approve the Special Permit in accordance with Section 6.1.4 to demolish a barn and construct a single family dwelling 30 feet from the front lot line when 40 feet is required, as present, no more detrimental to the neighborhood than the existing nonconforming structure, Raymond Lepore seconded. Voted unanimously.

The next regularly scheduled Board of Appeals meeting will be December 12, 2018, at 7:00 p.m. in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA.

Motion to adjourn at 7:40 pm by Jacquelyn Santini, seconded by Raymond Lepore. Voted unanimously.

A handwritten signature in cursive script, appearing to read "Toni La Rivée", written over a horizontal line.

Recording: Toni La Rivée, Secretary
Board of Appeals