

Town of Wilmington
Board of Appeals
Minutes – November 9, 2016

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. Edward Loud, Daniel Veerman, Anthony Barletta, Thomas Siracusa and Jacquelyn Santini were present.

The next regularly scheduled Board of Appeals meeting will be December 14, 2016, at 7:00 p.m. in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA.

Case 22-16 Sivakumar Mallaiyasamy c/o R. Peterson Esq. Map 10 Parcel 14

To amend Comprehensive Permit Case 94-93, to construct a 25'x23' two story addition and a 15'x12' one story addition to an existing 23'x34' two story dwelling 24.2 feet from the front lot line on 27 Buckingham Street.

Attorney Robert Peterson and Sivakumar Mallaiyasamy were present. Attorney Peterson stated that the applicant was proposing to amend Comprehensive Permit Case 94-93 to construct a 25'x23' two story addition and a 15'x12' one story addition to an existing 13'x34' two story dwelling. The Planning Board recommended disapproval as the Comprehensive Permit serves as the only zoning control for the project area and traditional zoning mechanisms do not apply (setbacks, lot coverage, etc). Full buildout and the impacts of same to resource areas and infrastructure were determined at a comprehensive scale at the time of approval. Amendments at the individual parcel level undermine the intent of the Permit and create cumulative and potentially detrimental impacts for which the Town has no mechanism to address. Anthony Barletta stated that at the last meeting on this subject, he felt that the applicant could move forward with the Board to amend the Comprehensive Permit, but after looking further into the Comprehensive Permit process, he did not feel that this applicant could request to amend the Comprehensive Permit. The Permit was designed as one development - one project and once the Permit was approved and construction was complete, the Permit could not be amended. Jacquelyn Santini was in agreement, it was a planned community, a one shot deal. Abutters Chad Wright and Ray Massiello were aware of the Comprehensive Permit and knew no further additions could be made to the property. Also, they felt that this was not something the neighborhood could withstand as the streets were narrow, the existing dwelling was only about 18 feet from the street, which is narrow, and the addition was almost double the size

of the existing dwelling and close to the wetlands. Mr. Mallaiyasamy and Attorney Peterson stated that there were other homes in the Permit area that had additions that were permitted by a previous building inspector. Edward Loud stated that the Board was only looking at this proposal and could not speak for a previous building inspector. Thomas Siracusa felt that this applicant should not be penalized for previous mistakes made by the Town. There were four or five other properties that had additions. Daniel Veerman stated that he was abstaining from the vote, he felt that this applicant did not have standing to be heard by the Board in this instance. Anthony Barletta made a motion to deny the request to amend the Comprehensive Permit, Case 94-93, Jacquelyn Santini seconded, Voted 3- Yes, 1-No - Thomas Siracusa, 1 abstain - Daniel Veerman. Denied

Case 23-16 Michael Tkachuk, c/o R. Peterson Esq. Map 7 Parcel 70Z

To acquire relief from MGL, Ch 41, Section 81E and 81Y for the issuance of a permit for the erection of a building on a lot not in a subdivision approved under the subdivision control law and on a lot not on a way placed on or made part of the Official Map for property located on 11 Cleveland Avenue.

Attorney Robert Peterson and Michael Tkachuk were present. Attorney Peterson stated that the existing dwelling was built in 1930, before the Official Map was adopted by the Town. After the Official Map was adopted, three other dwellings were constructed, along with the roadway and drainage. The Planning Board recommended approval with the condition the applicant repair the section of trench for the service connection across Cleveland Ave along the frontage of 11 Cleveland Ave. No abutters made comment. Anthony Barletta made a motion to approve relief from MGL, Ch 41 Section 81E and 81Y for the issuance of a permit for the erection of a building on a lot not in a subdivision approved under the subdivision control law and on a lot not on a way placed on or made part of the Official Map, Jacquelyn Santini seconded. Voted unanimously.

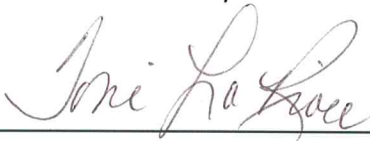
Case 24-16 Kathryn Cormier Map 67 Parcel 16

To acquire a variance from Standard Dimensional Regulations (Table II) §5.2.4, to construct a second story addition, three dormers to an existing dwelling, 22.5 and 21.1 feet from the front lot line when 30 feet is required (second variance) for property located at 18 Fay Street.

Kathryn and Trevor Cormier were present. They were proposing a second floor addition-three dormers. In 1971 a variance was granted for an addition within the required front yard. The dormers require a further variance. A second floor addition is the only option, the side of the dwelling that has the required room is all ledge. The Planning Board recommended approval if a hardship was demonstrated. The proposed dormers were on the original dwelling and not on the addition that was built under the previous variance. Edward Loud felt that ledge meet the criteria for a hardship in this instance. Anthony Barletta made a motion to approve the variance from §5.2.4, to construct a second story addition, three dormers to an existing dwelling, 22.5 and 21.1 feet from the front lot line when 30 feet is required, Thomas Siracusa seconded. Voted unanimously.

The Board reviewed and approved the minutes from September 14, October 12, and October 19, 2016.

Motion to adjourn at 8:10 p.m. by Daniel Veerman, seconded by Thomas Siracusa. Voted unanimously.



Recording: Toni La Rivee, Secretary
Board of Appeals