

Town of Wilmington
Board of Appeals
Minutes – December 20, 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.

List of documents submitted.

CONTINUED FROM 11/8/2017

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 submitted a letter requesting a continuance to January 10, 2018. Thomas Siracusa made a motion to continue to January 20, 2018, Ray Lepore seconded. Voted unanimously.

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.

Attorney Phil Taylor was present. Daniel Veerman explained that he had received an email from Town Counsel and he agreed that the 10 year statute applies to this appeal. Thomas Siracusa made a motion to vacate the decision of the Inspector of Buildings regarding the garage structure, Jacquelyn Santini seconded. Voted unanimously.

NEW

Case 30-17

Amber Hensley

Map 84 Parcel 81A

To acquire a Special Permit in accordance with S6.1.6.4 (to construct a second floor addition to an existing nonconforming structure 25.3 feet from the front yard on Regal Road) for property located on 15 McDonald Road.

Pat and Amber Hensley were present. He stated that they wanted to construct a second floor addition on their home but the existing front yard setbacks on McDonald and Regal did not meet zoning. Therefore, a special permit was need to extend a nonconforming dwelling. No abutters made comment. The Planning Board recommended approval. Daniel Veerman closed the meeting. Anthony Barletta made a motion to approve the Special Permit to construct a second floor addition to an existing nonconforming structure, no more detrimental to the neighborhood than the existing nonconforming structure. Raymond Lepore seconded. Voted unanimously.

Case 31-17

John Berube

Map 36 Parcel 113A

To acquire a variance from Standard Dimensional Regulations, Table II, S5.2.4, to construct a 38.6'x34' two story addition 20 feet from the front yard lot line on Aspen Drive when 40 feet is required for property located on 1 Russell Road.

John Berube was present along with Mr. and Mrs. Fitzpatrick. He stated that the wanted to construct an addition to the side of the dwelling 20.2 feet from the front yard on Aspen Drive when 40 feet is required. The wanted to construct a garage with rooms above for their parents. Jacquelyn Santini asked if they could make it smaller and Ms. Fitzpatrick stated they wanted to give her parents plenty of space to live in after coming from their present home. The Planning Board recommended disapproval - no hardship was demonstrated. Daniel Veerman explained that in order for the Board to vote favorably on a variance request, a hardship needed to be demonstrated and it had to be something to do with the lot shape or topography. Raymond Lepore asked if the dwelling conformed now and was answered yes. Anthony Barletta understood their dilemma and explained that he also lived on a corner lot and would have liked to do exactly what they were proposing, but he didn't have a hardship. No abutters made comment. Daniel Veerman closed the hearing. The applicant requested the variance proposal be withdrawn, without prejudice. Raymond Lepore made a motion to withdraw the variance without prejudice, Jacquelyn Santini seconded. Voted unanimously.

Case 32-17

Michael J. Newhouse, Esq.

Map 45 Parcel 137

To acquire a Special Permit in accordance with §6.1.4 (to demolish an existing nonconforming structure and construct a new building, 15.5 feet from Main Street and 22.4 feet from Glen Road when 30 feet is required) for property located on 80 Main Street.

Case 33-17

Michael J. Newhouse, Esq.

Map 45 Parcel 137

To acquire a Special Permit in accordance with §6.6.7.7 Ground Water Protection District for property located on 80 Main Street.

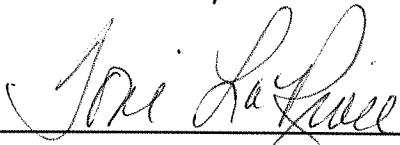
Michael Newhouse was present. He stated that he purchased the property at the corner of Glen Road and Main Street and rezoned a portion to Neighborhood Business. Prior to Town Meeting he met with the Planning Board and Finance Committee with a concept plan and the zoning was approved at Town Meeting. He has been to the Planning Board for Site Plan Review and storm water management. He is proposing a commercial building 15.5 feet from Main Street and 22.4 feet from Glen Road, slightly less nonconforming than the existing dwelling. He is also constructing a detached two-car garage with living space above meeting the setback requirements. He will also be filing a subdivision plan dividing the property with the intention of constructing a dwelling on the residential portion of the lot. The new building will be on sewer and he went over the site plan and discussed storm and ground water management. Jacquelyn Santini was not in favor of two entrances, one on Main Street and one on Glen Road. Anthony Barletta asked about the parking that was over the zone line and Michael Newhouse explained that the zoning bylaw allowed for this. No abutters made comment. The Planning Board recommended approval. Daniel Veerman closed the hearing. Anthony Barletta made a motion to approve the special permit to demolish an existing nonconforming structure and construct a new building 15.5 feet from Main Street and 22.4 feet from Glen Road, no more detrimental to the neighborhood than the existing nonconforming structure, Thomas Siracusa seconded. Voted unanimously. Anthony Barletta made a motion to approve the special permit in accordance with §6.6.7.7 Ground Water Protection District, Thomas Siracusa seconded. Voted unanimously.

The Board reviewed and approved the minutes from October 11, 2017 and November 8, 2017. Anthony Barletta made a motion to approve the minutes, Jacquelyn Santini seconded. Voted unanimously.

The next regularly scheduled Board of Appeals meeting will be January 10, 2018, at 7:00 p.m. in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA.

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Motion to adjourn at 8:15 p.m. by Raymond Lepore, 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