

Minutes Meeting of 10/03/01- DeFreitas, Medeiros/Perkins

Members Present: Cindy Maxwell, Audrey Western, Bob Cadle, Mark Mulligan
Chase Duffy

The Acting Chairman reconvened the DeFreitas hearing.

Att. Lyons as agent for the applicant presented new plans for the proposal. He said that the number of bedrooms will be reduced from three to two and only story will be used as habitable living space. The proposed addition will be approximately 160 square feet and will square off the front of the house. He said that there may be a slight change to the roof line to minimize obstruction of the view of the lake. He said that there will be a much better waste water system which will have an alarm that triggers when the tank is 3/5ths full. He said that the lake will be much better protected. He noted that two off-street parking spaces are being created. He said that the dwelling will continue to be used for seasonal weekend use, primarily because of the expense of pumping a tight tank septic system. He said that the new plan has the same footprint for the addition as the old plan but guarantees only one story use.

Discussion ensued regarding the cross section plan.

The Building Inspector noted that tight tanks are used for existing structures and said that the applicant will also need DEP approval.

Mr. Mulligan noted that the lot was very small. He said that the neighborhood seems okay with the proposal and noted that only one section is being added to.

Mr. Cadle said that the septic system upgrade and the reduction in number of bedrooms were the only things that made the proposal acceptable.

Mr. Mulligan said that the creation of off-street parking was also a benefit.

The Board moved to grant a special permit and variance to Mr. DeFreitas based on the plan submitted on 10/3/01 as prepared by Leo McCormack on 9/25/01 and conditioned on BOH tight tank approval.

The motion passed unanimously.

The Acting Chairman convened the Medeiros/Perkins hearing by reading the Legal Notice.

George Medeiros, agent for the applicant noted that all four existing structures on the property will be razed. He said that the new structure will add value to the neighborhood. He said that the lot is serviced by town water and that there are some wetlands and that Conservation Commission

approval has been granted. He said that the current owners have resided there for 26 years and that the property is worth more with a completely new structure. He said that the new house will be 52x28 for a total of 2600 sq.ft. He said that the only issue is lot size because all setback requirements will be met. The existing dwelling is a two-family with three to four bedrooms. A new septic system will be constructed further away from the wetlands than the existing system.

Discussion ensued regarding the number of bedrooms in the new dwelling vs. old.

Mr. Walters, a resident of the house said that there are currently four bedrooms.

Att. Medeiros said that if all four buildings which are being razed are figured into the footprint picture then the new footprint of the single dwelling is smaller. He said that the only access to the house will be from Hayden Rd. because the existing front driveway will be torn up. He said that renovating the existing dwelling would be very expensive and there would continue to be a hodgepodge of old buildings. He said that the proposal is better for the neighborhood.

Mr. Mulligan noted that the size of the lot cannot be changed.

Ray Lyons, Hayden Road resident, noted that the further setback the house is, the better for safety reasons. He also noted that moving the driveway will make for safer entrance/egress. He said that the overall footprint is not much bigger than the existing dwelling.

Discussion ensued regarding lot size could be a hardship.

The Building Inspector noted that he had no problem with the variance and that it was similar to a permit granted on Nashua Road. He stressed that the lot was not a lot of record but a non-conforming lot with a non-conforming structure which required action by the ZBA.

Att. Medeiros stated that the proposal was a definite improvement to the area.

Att. Lyons said that the existing driveway was bad and needed changing and that the existing dwelling was close to wetlands on the site.

The Board felt that the proposal was an improvement for safety and health reasons. The lot had portions of unbuildable sections because of wetlands. The proposal was the best fit for the house and meets setback requirements. Further, the variance can be granted without detriment to the neighborhood and does not derogate from the intent of the zoning by-laws.

The Board moved to grant a variance from acreage and frontage to Medeiros as agent for Perkins. The motion was seconded and passed unanimously with the following conditions: All structures will be razed, driveway access shall be from Hayden Road and all Conservation Comm. and BOH conditions shall be met.

The Board discussion the Dugas decision with the Building Inspector.

The meeting adjourned at 9:45 pm.