

Zoning Board of Appeals Meeting Minutes

Minutes of April 14, 2016

Members present: David Kirwan, Chairman; Vaughn Hathaway, Acting Clerk;

Alternate members present: Jim Reinke, Mary Moore, Dick Johnston

Continued Hearing from March 30th on the petition of Christopher Hallen of 19 Ackley Drive, Rochdale, MA for a Variance to build an addition onto home within the side and rear setbacks and for a Special Permit to extend a pre-existing nonconforming structure

Meeting called to order at 7:30PM

Mr. Kirwan said the Variance request would be heard first and then reviewed from the last meeting the Board asking the petitioner to rework the plan to minimize or eliminate the need for one or both setbacks; 2) to show on the revised plot plan, the new addition as it will be built and placed on the lot; 3) address the water flow management; and 4) provide further information regarding the easement.

At this point, Mr. Kirwan opened the meeting to the application to present their request.

Mr. Keith Burt, builder for the Hallens presented and reviewed the revised plot plan.

He reviewed the Conservation Plan showing where a 20-foot utility easement came out onto River Street and a 15-foot drain easement to Pleasant Street.

On the updated plan, it showed the existing house; the portion of the existing house to be razed; and the proposed addition. It also showed the front width of the house and the distance from the back lot line of the house, where they were able to get 28.5-feet and can now eliminate the rear setback issue.

He reviewed a copy of the original plan and a copy of the revised plan. He explained that trying to move the addition over 10-feet would constrict the entryway into the new addition and they would have to move the staircase in order to get the three bedrooms they need upstairs. It would also take away from living room space, because of a giant support beam built into the house that can't be moved because it supports the main house. Because of the way the existing structure is configured, they are forced to access the addition through the living room, which will only allow them 3 feet in order to enter the 30 x 24 foot addition.

There would be a financial hardship to the applicant because of a chimney that is surrounded by the existing addition and comes up through the structure. If they expose the chimney, they will need to restructure it so it's supported on an exterior chimney, rather than an interior chimney. It would be more cost effective for the owner to build around and fireproof the chimney from the inside, rather than blocking it all off with 8 x 10 blocks.

In addition, there would be an additional cost added if they expose the chimney on that portion of the house, because it's supported by a beam that goes down to piers that sit underneath that edge of the house. So, if they were to open that up, they will need to pour a new foundation through a newly exposed 10-foot area.

Mr. Hathaway asked Mr. Burt to confirm where he was describing the exposed 10-foot area. Was it where they were trying to move the addition away from the side line?

Mr. Burt said yes, the measurement was 6.6 and with the overhang and gutters, brings it to 15-feet.

Mr. Hathaway said one of the things discussed at the last meeting was the possibility of gaining additional land from their abutter on that side and not have to deal with a variance there.

Mr. Chris Hallen said his neighbor had changed their mind.

At this point, Mr. Hallen submitted and reviewed pictures showing the inside and outside of the existing home.

Mr. Hathaway said seeing that a variance would no longer be required in the back makes a big difference, because he was not comfortable having the addition encroach on two sides.

The pictures and review helped show that the addition wouldn't be any more encroaching to the lot line.

Mr. Kirwan asked if the applicant will need to withdraw their variance request, but would still need approval for the special permit.

Mr. Hathaway explained a special permit would still be needed for an extension of a pre-existing nonconforming structure and that they should request to withdraw the variance from the rear setback, because that is no longer an issue.

Mr. Hallen requested to withdraw the variance request from the rear setback.

MOTION: Mr. Hathaway moved to approve the request of Christopher Hallen of 19 Ackley Drive, Rochdale, MA to withdraw the variance request from the rear setback.

SECONDED: Mr. Kirwan – Discussion: None – VOTE: All in Favor

Special Permit Request

The Board made the finding that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood and was in harmony with the intent and purpose of the Bylaw.

MOTION: Mr. Hathaway moved to approve the Special Permit to extend a pre-existing nonconforming structure. The Board found that the extension will not further encroach than the existing structure from the side line and the roof line will be within the house footprint and would not be adding anything substantial.

With the condition that all drainage and run off issues be addressed, especially addressing runoff concerns with the property located behind the home and that the drainage be contained on the property and drain in a northerly direction to satisfy the slope in back.

SECONDED: Mr. Reinke – Discussion: None - VOTE: All in Favor

Instructions were given on appeal process and the filing of this Decision with the Registry of Deeds.

MOTION: Mr. Hathaway moved to close the hearing

SECONDED: Mr. Reinke – Discussion: None – VOTE: All in Favor

Meeting adjourned at 7:55pm

Approval of Minutes

2/17/2016

Tabled

MOTION: Ms. Moore to adjourn

SECONDED: Mr. Johnston – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:15PM

Respectfully submitted:

Barbara Knox

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