Zoning Board of Appeals
Minutes
7-21-2011

Chairman Sherman Epro called the meeting to order at 7:30pm.

Zoning Board members present:

Sherman Epro, Chairman
Orlando DiGiampietro
Gary Ilacqua
Jerry Savage
Bob O'Regan
Tom Carter
Dan Pessia
Marguerite Mitchell
John Malloy
Herbert Musmon

Also present was Tom McGrath, Building Inspector

Case 4037, 124 Richard Road, Dias – Variance request

Present: Fernando and Lina Dias Mr. O'Regan read the public notice.

Motion made by Mr. O'Regan, seconded by Mr. Savage to open the public hearing, waive reading the list of abutters and take question 9 on the application into the record as written. Unanimously voted.

The variance request was to add an 8 ft x 18 ft mud room addition onto the house at 124 Richard Road.

Mr. Ilacqua asked the width of the house. The applicant said 28 x 36 ft. The applicant showed the board pictures of different views of their home. Mr. Epro asked what will be in the mud room. The applicant said it will be an open room. It will be insulated. There will be a tile floor, no water and no heat. The board asked how close the well is to the addition. The applicant said the well is on the other side of the driveway.

Motion made by Mr. Savage to draft a decision to grant the variance request of 9 ft. Seconded and unanimously voted.

Case 4038, 45 Ralph Mann Drive, Fleming – Variance / Section 6

Present: Ms. Jeanne Fleming

Mr. O'Regan read the legal notice. There were no comments or correspondence.

Motion made by Mr. O'Regan to open the hearing and waive reading the list of abutters and take question 9 into the record as written in the application.

Ms. Fleming would like to put a screen room in the back of the house at 45 Ralph Mann Drive. She is short 1 ½ ft on the sideline setback. The owner was Louise Packard and she is deceased. Denise Wallace, her daughter is the executor. It is 39 ½ ft to the rear line. Ms. Mitchell asked if she needs a variance for the rear yard. It is the same distance from the sideyard as the existing step out. Mr. O'Regan said this is a 40 ft rear setback requirement.

Mr. Savage said to dismiss Section 6 and grant a variance.

Mr. DiGiampietro asked how to determine where the measurement should be 90 degrees from the line or 90 degrees from the building? Mr. O'Regan said the point closest to the setback area is where the engineer drew his line. Mr. DiGiampietro said he thinks the line should be parallel 40 ft from the property line. Mr. O'Regan said it would be the same result, ½ ft. The board needs the setback requirement on the plot plan by the surveyor. The dimensions of the screen room are 10 x 11 ½, the discussed granting subject to the dimensions of the screen room.

Motion made by Mr. O'Regan to draft a decision to grant the variance as requested for side yard dimensions not to encroach into the 40 ft rear yard setback and work out dimensions with the Building Inspector.

The board discussed the decision being a Section 6 filing. Mr. Musmon and Ms. Mitchell agree there is no increase in the non-conforming structure.

Motion withdrawn.

Under Chapter 40A Section 6:

Motion made by Mr. O'Regan the application will not increase the non-conforming nature of the structure and the Chair be allowed to sign on behalf of the board. Seconded by Mr. Savage. Vote: Unanimous.

Pond View Village - Extension Request for paving.

Mr. Savage recused himself.

Mr. Conroy has asked for an extension for the paving of Connell Drive and Nickerson Drive to from June 30, 2011 to September 30, 2011. Mr. Fehan felt they would not be ready by then because Connell Drive is not done. He suggested September 30, 2012.

Motion made by Mr. DiGiampietro he agrees with Mr. Fehan to allow sewer connections and trenches to settle properly so the new paving won't be destroyed. Seconded by Mr. Ilacqua. Unanimous.

Motion made by Mr. O'Regan to that the Zoning Board of Appeals vote to grant the June 28, 2011 request of Pond View Village Stoughton, LLC to modify the Pond View Comprehensive Permit to extend the date to complete paving of Connell Drive and Nickerson Street from June 30, 2011 to September 30, 2012 as the Board hereby finds that the proposed modification is an insubstantial change under 760 CMR 56.06(11) and to amend the Settlement Agreement between the parties by changing the relevant date for completion of paving from June 30, 2011 to September 30, 2012 and to authorize the Chairman to countersign the letter provided by Pond View Village Stoughton, LLC to indicate the Board's assent with the completion date of September 30, 2012 noted and initialed. Seconded by Mr. Ilacqua. Unanimous.

Motion made, seconded and unanimously voted to accept the minutes of June 16, 2011.

Motion made, seconded and unanimously voted to adjourn at 8:30 pm.

Signed and filed in Clerks Office September 16, 2011

Chairman, Sherman Epro