

Present were: Anderson (Chair); Jeton (Acting Clerk); Brown & Batchelder (Members); Baime, (Associate Member).

The meeting opened at 8:15 p.m.

Petition No.: 3852

Premises affected: 8 Cassimere St

Petitioner: Candiano

Members: Anderson, Batchelder, Baime, Ranalli, Matey

David Brown informed the Board that he had spoken with Jacki Byerley, Jr. Town Planner, regarding the cul-de-sac and the Town-owned land next to 8 Cassimere Street. The Planning Staff monitors developments & would contact the developer to file for approval / street acceptance by Planning Board & Town Meeting. Byerley has spoken with the developer who anticipates filing for April 2010 Town Meeting to abandon the cul-de-sac. Brown had also done research as to when the house / lot was created but was unable to find an answer. Baime made a motion to close the public hearing. Brown seconded the motion & the Board voted (5-0) to close the public hearing. The Board then proceeded to deliberate. Jeton reminded the Board that they need to make two decisions: one for a variance from dimensional requirements and one for a special permit for the family dwelling unit. Anderson asked for the Board's thoughts on the variance. Some felt the currently proposed 5' setback without the cul-de-sac being part of the lot is excessive and that there were too many unanswered questions regarding the street acceptance. Some sighted lack of hardship. Others sighted the unusual shape of the lot and the location of the house on the lot making it virtually impossible to construct an addition. Anderson outlined 3 possibilities:

1. Grant a variance based on unusual shape and find that there would be no adverse effect in constructing the addition.
2. Deny the variance due to the 5' setback proposed and the fact that the owner does not currently own/control the portion of the abandoned cul-de-sac to be reverted to their lot after Town Meeting approval.
3. Petitioner can withdraw without prejudice pending future action on the cul-de-sac.

Anderson suggested that a variance could also be granted with conditions (i.e. must gain ownership of lot A and if not, variance will lapse). He stated he felt a hardship exists due to lot shape, but that an addition would adversely affect neighbors. Baime argued that gaining control of Lot A is not in the applicant's control but up to developer. Brown suggested that if approved, conditions regarding removal of specific trees and planting an evergreen buffer at rear lot line be added. Brown made a motion to approve the variance with the following conditions:

1. No building permit shall issue until Lot A becomes part of the applicant's fee interest;
2. An evergreen screen is planted (6' minimum height at planting) along the rear lot line & is properly maintained simultaneously upon completion of construction;
3. Only the following two specific trees may be removed unless others are damaged by storm, etc. : crab apple & larch trees closest to the addition;
4. The construction shall be in substantial conformance and no larger than that noted on the plans.

Batchelder seconded the motion. The Board voted (4-1) (Anderson opposed) to grant the variance with the aforementioned conditions. The Board then proceeded to deliberate the request for a special permit for a family dwelling unit. The Board discussed the fact that the addition does not include a kitchen and therefore is not a family dwelling unit; however petitioners requested the special permit. Batchelder made a motion to grant the special permit for the family dwelling unit for a period of five years unless renewed. Brown seconded the motion & the Board voted (5-0) to grant the special permit for 5 years. Brown will write the decision. Anderson asked Mr. Berube for an extension until the end of November. Berube agreed and will submit it in writing to the Administrative Secretary.

Jeton made a motion to adjourn the meeting. Batchelder seconded the motion & the Board voted (5-0) to adjourn the meeting at 9:00 p.m.