

## Zoning Board of Appeals

**Minutes: 11 June 2003**  
**Hopkinton Town Hall: 2<sup>nd</sup> Floor**

**Called to order: 7:30 PM**  
**Adjourned: 9:40 PM**

**Members Present:** Robert Foster: Chairman, Mary Harrington: Clerk, Wayne Davies, Thomas Garabedian, Henry Kunicki (associate)

**7:30 PM Request for Special Permit**  
**2 Susan Drive**

Beshr Abdelazim, applicant

Mr. Abdelazim is seeking a Special Permit to build an addition to the existing deck that does not meet the side setback requirements.

Mr. Abdelazim presented plans to the Board. Mr. Foster noted that the setback is needed on the rear rather than the side. Ms. Harrington stated that the existing deck is 10' x 32' and Mr. Abdelazim is seeking to increase the deck to 12' x 32'.

Ms. Harrington moved to close the hearing, the motion was seconded, and passed unanimously.

Ms. Harrington moved to grant the Special Permit for rear setbacks to Mr. Abdelazim, the motion was seconded and passed unanimously.

**7:35 PM Board Business**

Ms. Harrington stated that the fee currently charged for Zoning Board of Appeals applications does not cover the expenses. During this fiscal year the Board has had to ask Appropriations Committee for reserve fund transfers.

Ms. Harrington moved to increase the Zoning Board of Appeals fees from \$200.00 to \$300.00. The motion was seconded. Discussion followed. Mr. Davies noted that current fee of \$200.00 only covers the cost of advertising. Mr. Garabedian stated that the Zoning Board of Appeals is always in deficit. Mr. Davies stated that the fees should cover the operating costs of the Board such as advertising, mailing, and secretarial work. The Board passed the motion unanimously.

Mr. Foster stated that the Board of Appeals would have an administrative meeting on September 10, 2003.

**7:45 PM Request for Special Permit**  
**21 Cross Street**

David and Annamaria Rancatore, applicants

Mr. and Mrs. Rancatore are requesting a Special Permit to build an addition to their house that would not meet the side setback requirements.

Mr. Rancatore stated that he is proposing a two-story, two-car garage addition. The location of the proposed addition is based on the current position of the driveway. The house is currently a split-level home, the proposed second story addition would provide an upstairs bedroom for their young daughter and an additional family room.

Mr. Foster asked if the addition would match up with the current driveway and Mr. Rancatore stated that it would.

Mrs. Rancatore stated that they would like to construct the addition in order to continue living in Hopkinton.

Mr. Foster asked if there would be an encroachment on the septic system and Mr. Rancatore stated that there would not.

Ms. Harrington noted that the proposed garage is 24' x 34' and asked how many feet to the property line would be left. Mr. Rancatore stated that approximately 8 or 9 feet would be left. Mr. Foster informed the applicants that the plan presented is from 1952 and should be updated. Mr. Foster also suggested hiring a surveyor to update the plan.

Ms. Harrington noted that the house is a pre-existing non-conforming structure. Ms. Harrington asked how close the nearest abutting neighbor is. Mr. Rancatore stated the neighbor is about 50 feet from the property line. Mr. Davies asked if he had spoken with his neighbor and Mr. Rancatore stated that he had not.

Mr. Davies stated that screening might be required. Mr. Rancatore noted that there is currently a wooded area that would not be encroached upon in the addition.

Cynthia and Bill Cannon of 23 Cross Street stated that they had their land surveyed in the last week and the property line varies approximately 6 inches from the 1952 plot plan. The Cannon's presented photos to the Board showing the current view of 21 Cross Street from their porch and a replication photo of what would be visible with the proposed addition. Mrs. Cannon stated that they chose property in the Agricultural zone for the land around them. Mrs. Cannon continued that she feels the addition is doubling the house and is concerned about the property resale value of her own home. Mrs. Cannon also stated that she feels it is also a privacy issue.

Ms. Harrington asked Mrs. Cannon how far her house is from the property line, and Mrs. Cannon stated that it is between 25 and 30 feet.

Mr. Davies asked if there is a window on the second floor of the existing house. Mrs. Cannon stated that there is. Mr. Davies asked if it would be more comfortable for the Cannon's if the permit had a condition of screening, providing that it was granted.. Mrs. Cannon stated that she is more concerned about the second floor and would prefer no addition. Mr. Davies asked if she would prefer any type of screening. Mrs. Cannon stated that she would prefer blue spruces.

Ms. Harrington referred to the photo of the superimposed garage and asked if the tree line was also superimposed. Mrs. Cannon stated that it was not and noted that there is no permanent shrubbery.

Mr. Cannon noted that the house across the street was denied a variance and asked if they set a precedent. Mr. Foster stated that it did not, issues are dealt with case by case.

Mr. and Mrs. Rancatore looked at the photos provided by the Cannon's. Mr. and Mrs. Rancatore stated that they would be willing to remove windows on the side. Mr. Garabedian asked the applicants if they would proceed with a one-story structure and the Rancatore's stated that they would not.

Mr. Davies asked the applicants if blue spruces could be used as potential screening and the Rancatore's were amenable. Mr. Foster asked if an addition to the front was considered. Mr. Rancatore stated that the addition is planned around the existing driveway.

Ms. Harrington moved to close the hearing, the motion was seconded, and passed unanimously.

**8:10 Petition for Variance  
Leonard Street**

George McBride, applicant; Richard de Mont, representative; George Connors, engineer

Mr. McBride is seeking a Variance to build a house on Leonard Street that on a lot would not have the required amount of frontage.

Mr. Connors stated that Mr. McBride wishes to give a parcel of land to his daughter to build a house. The lot has bordering vegetated wetlands. Mr. Connors presented the Board with an Order of Conditions and Well Permit. Mr. Connors stated that the land has a passable cart path.

Mr. Kunicki asked how much land was accepted as a street. Mr. Connors showed the Board on the map where the Street ends and where it becomes a right of way. Mr. Davies asked how far the right of way extends and Mr. Connors showed the Board on the map. Mr. Davies asked Mr. Connors to show on the plan where the lots would be placed and Mr. Connors did so showing that the required amount of frontage cannot be provided.

Mr. de Mont stated that he is a member of the Board of Health but has not served on Mr. McBride's issue. Mr. de Mont explained to the Board that the alternative to a variance is to seek an extended roadway. Mr. de Mont stated that the land has become wetter over the years due to the construction of schools. Mr. de Mont stated that it would be a hardship if the variance were denied as it would be more expensive. The proposed plan shows minimal impact on the six acres and would enhance the neighborhood. The house would also tie up a significant amount of land and prevent it from being built upon.

Ms. Harrington noted that the zone line goes through the property. The front is Residential A and the back is Residential B. The zoning for Residential B applies, requiring the lot to have 150' of frontage and it only has 25.94'.

Ms. Harrington asked who owns Lot 1B. Mr. Connors stated that George and Elizabeth McBride own the lot by real estate trust. Ms. Harrington asked what the future use of Lot 1B could be. Mr. Connors stated that a future use is not determined at this time.

Mr. Foster requested the history of Parcel A. Mr. McBride stated that before 1945 it was separate land owned by the Terry family.

Mr. Foster questioned if frontage was allowed at the end of a street. Ms. Harrington explained that the piece of property has a right of way from the end of Leonard Street to the railroad bed.

Mr. Davies asked how subdividing the parcel would be presented to the Planning Board. Mr. Foster noted that the parcel has already been subdivided. Mr. Davies asked Mr. Shepard to explain how the Planning

Board endorsed the plan. Mr. Shepard stated that the Planning Board does not guarantee that the lot can be built on, only that the applicant has the right to subdivide the lot.

Mr. Davies asked Mr. de Mont if he has spoken with Mr. Shepard and Mr. de Mont stated that he has not. Mr. Davies asked if the applicant could seek to build on Lot 1B and Mr. de Mont stated that it could be a possibility in the future.

Ms. Harrington read from the deed rider and noted that the right of way is provided in the deed. Mr. Davies stated that a letter is typically required from an attorney regarding the title and rights of way.

David Stickney of 1 Leonard Street stated his support of the proposed plan.

Mr. de Mont stated that he would be willing to interpret the title for the Board.

Mr. Davies asked Mr. Shepard for input on the proposed plan. Mr. Shepard stated that he is not concerned about the frontage as a previous filing on West Main Street was approved with no frontage and a similar right of way. Mr. de Mont stated that he has met with the Department of Public Works and the right of way is adequate.

Ms. Harrington moved to close the hearing, with no further information required except for the title opinion by an attorney. The motion was seconded, and passed unanimously.

**8:45 PM          Petition for Variance  
                         Lot 28 Glen Road**

Aaron Cohen, applicant; David Dipietri, Rosewood Development, Carlos Ferreira, surveyor

Mr. Cohen is seeking a Variance to build a house on Glen Road that will not meet the front setback requirement.

Mr. Cohen stated that errors were made in the original delineation of wetlands, which resulted in Lot 28 having more wetlands than originally intended. The house had to be moved 10 feet away from the wetland buffer zone, which resulted in the house being 10 feet closer to the street. Mr. Cohen stated the hardship is that the house cannot be built as originally anticipated because land had been given to open space as it was thought the land would not be needed.

Mr. Foster stated that the applicant agreed to the lot size and created his own hardship. Mr. Kunicki asked who staked the wetlands. Mr. Dipietri stated that Beals and Thomas delineated the wetlands. Mr. Kunicki noted that the applicants created their own hardship.

Mr. Foster read a letter from the Hopkinton Conservation Commission. Mr. Davies stated that the Conservation Commission required the applicant to break zoning requirements.

Ms. Harrington asked what type of home is proposed. Mr. Ferreira stated that a four-bedroom house with a two-car garage is proposed. Ms. Harrington asked what size the foundation would be. Mr. Ferreira stated that the foundation would be 32' x 40' with a two-car garage. Ms. Harrington asked if the size of the house would be comparable to the other houses in the development. Mr. Dipietri stated that the house is smaller than others in the development.

Ms. Harrington moved to close the hearing, the motion was seconded, and passed unanimously.

**9:00 PM Request for Special Permit  
328 Wood Street**

Steven Hynes, applicant; Michael Moynahan, representative

Mr. Hynes is seeking a Special Permit to build a mudroom and two-car garage addition to his house that does not meet the side setback requirement. Mr. Hynes stated that part of the land is in Agricultural district, requiring a 30-foot side setback, Mr. Hynes is asking for a Special Permit to allow a 21-foot side setback.

Mr. Moynahan presented plans to the Board showing a proposed mudroom and two-car garage. Mr. Moynahan stated that the property currently has screening.

Mr. Foster asked if the land has been surveyed. Mr. Moynahan stated that it has not been surveyed, but has old stakes on the property. Mr. Shepard stated that an as-built plan would be needed. Mr. Foster noted the location of the septic system, driveway, and gas line.

Mr. Foster read a letter from George Wright of 337 Wood Street, stating his support of granting the Special Permit.

Mr. Davies asked Mr. Hynes if he had spoken with his neighbor Mrs. Thompson, Mr. Hynes stated that he had and she had no objection to the proposed plans.

Ms. Harrington asked the dimensions of the proposed addition. Mr. Hynes stated that the garage would be 24' x 24' and the mudroom would be 10' x 10'.

Ms. Harrington moved to close the hearing, the motion was seconded, and passed unanimously.

Mr. Davies moved to grant the Special Permit for side setbacks to Steven Hynes with a 9-foot side setback relief, the motion was seconded and passed unanimously.

Mr. Garabedian moved to amend the previous motion with a 10-foot side setback, the Board agreed to the amendment and it was passed unanimously.

**9:10 PM Request for Special Permit  
9 Colella Farm Road**

Eric Domski, applicant

Mr. Domski is seeking a Special Permit to build a shed that would not meet the side and rear setback requirements.

Mr. Domski presented plans to the Board showing a proposed 10' x 10' shed that would be in the middle of the property.

Mr. Foster asked how close the shed would be to the side and rear setbacks. Ms. Harrington noted that if the shed was brought out 20-feet from the rear lot line it would need a Special Permit for the side setback. Mr. Domski stated that it fits more aesthetically closer to the rear lot line.

Mr. Davies asked Mr. Domski if he had spoken with his neighbors. Mr. Domski stated that he had spoken with his neighbors and they had no objections.

Mr. Foster asked if the shed would be on footings. Mr. Domski stated that the shed would be on cinder block footing.

Michael Fideli of 7 Colella Farm Road stated that he would feel more comfortable if the shed were 10 to 15 feet off the side property line.

Mr. Davies asked what the distance is between the property line and the rock wall. Ms. Harrington stated that it is 15-feet on the side and 10-feet on the rear. Mr. Davies asked if it would be preferable to move the shed to the stone wall. Mr. Domski stated that it would not be aesthetically pleasing.

Ms. Harrington moved to close the hearing, the motion was seconded, and passed unanimously.

Ms. Harrington moved to grant the Special Permit for the side and rear setbacks to Eric Domski, the motion was seconded and was passed by all except Ms. Harrington who opposed.

### **9:20 PM Board Business**

- 21 Cross Street

Ms. Harrington noted that all lots on the street are non-conforming. Ms. Harrington moved to grant the Special Permit to David and Annamaria Rancatore with the conditions that no windows are on the rear side of the addition and that vegetation is planted. The motion was seconded.

Mr. Foster stated his concern that the addition is as large as the current house and that it could be overbuilding the lot. Mr. Garabedian noted that it could be an imposing visual structure. Mr. Davies suggested a condition of blue spruce trees 3-feet in height. Mr. Shepard suggested lowering the height of the eaves on the side of the addition.

Mr. Foster suggested a condition using evergreens for screening at 4-feet in height on 4-foot centers on the lot line, and would extend to the length for the addition.

Ms. Harrington amended the motion to grant the Special Permit to David and Annamaria Rancatore with the conditions that the eave line not exceeds 1-½ stories and no windows would be on the north side. The motion passed unanimously.

- Lot 28 Glen Road

Mr. Davies suggested sending a letter to the Conservation Commission regarding the wetland buffer zone. Mr. Shepard noted that previous cases with the same requirements have resulted in a denial from the Zoning Board of Appeals. Mr. Davies re-read the letter from the Conservation Commission.

Mr. Foster stated that the Conservation Commission has jurisdiction within 100-feet of a wetland.

Ms. Harrington moved to grant the Variance for frontage to Aaron Cohen, the motion was seconded, and passed by all except for Mr. Davies who opposed.

- Leonard Street

Mr. Garabedian moved to grant the Variance for frontage contingent upon the receipt of a title opinion from an attorney, the motion was seconded, and passed by all except for Mr. Davies who abstained.