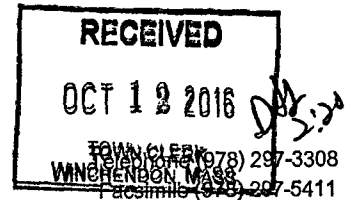


TOWN OF WINCHENDON



Zoning Board of Appeals

109 Front Street
Winchendon, Massachusetts 01475-1758

July 20, 2016

Document Presented at Meeting:

Agenda for 7/20/16 Meeting

George 134 Hale St Variance Application w/attachments

PRESENT: Members Joseph Snow, Mary Chace, Cynthia Carvill and Ray Benoit

Others Present: Applicants, Anthony George
Catherine George
Eric Speed, Esq.

Meeting called to order at 7:02

1. Minutes passed over to next meeting
2. **Public Hearing called to order at 7:05**

Chair Carvill read the Public Notice. (*see attached*)

Applicants and their representative were sworn in.

Eric Speed, council for the applicant explained the variance for a side yard variance. Attorney Speed explained the situation with the applicants garage being partially built upon the abutters property (formally Railroad now owned by National Grid) due to a right of way misunderstanding. National Grid has proposed a land swap with the applicant to ensure that the garage will be on property owned by the applicant. However, the garage will be 2.73' from the side lot setback thereby requiring a variance.

Attorney Speed explained the plot plan depicting the 2 lots of land in question and the proposed configuration of the 2 lots and the complexity of the solution concerning ZBA and Planning Board action. Once the variance is secured, the applicants will file an ANR (Approval not Required) plan will be submitted to the Planning Board.

Vice Chair Chace stated that she didn't have any issues with the application. Other members expressed Similar sentiment. Chair Carville explained that the variance would help correct the problem.

Motion was made by Snow/seconded by Benoit to close the hearing at 7:26pm.

Snow (y) Chace (y) Carville (y) Benoit (y) 4 - 0 approve

Draft conditions were discussed to include:

1. The Variance is to permit a side setback of 2.73' for the existing garage only.
2. All applicable federal, state, and local regulations will be followed.

Discussion on the determination of granting the approval continued with the application is not detrimental to the area in which its located and does not derogate form the purpose and intent of the Zoning Bylaws, a literal enforcement will create a hardship with the uniqueness of the lot as it has been bisected by the ownership of property (National Grid) that is typically an easement.

The Chair read the determination as: In granting the variance, the Winchendon Zoning Board of Appeals finds that proposed use is not detrimental to the zoning district in which it is located and does not derogate from the intent and purpose of the Winchendon Zoning Bylaw specifically due to the size, shape and topography of the lot.

The Board further determined that the lot is completely different from anything existing in town.

Motion made by Chace to approve the Variance with conditions as drafted /seconded by Snow.

Snow (y) Chace (y) Carvill (y) Benoit (y) 4 – 0 approve

*Motion was made to adjourn the meeting until Wednesday August at 7:35 p.m. Chace/Benoit
Approved 4-0*

Snow (y) Chace (y) Carvill(y) Benoit (y) 4 – 0 approve

Approved:

