

HANSON BOARD OF APPEALS
Minutes of Public Hearing October 29, 2019

Board Members: William Cushing, Chairman
Joanne Miniutti, Vice-Chair
Kevin Perkins, Clerk
Sean Buckley, Alternate

Petitioner: Michael Curtin – Case#19OC22 – 6:30 PM
0 Briggs Street – Special Permit/Variance

Petitioner is requesting a special permit/variance to allow for the construction of a single-family two-story home at the above address. Property is in Residence A zone.

Plan submitted prepared by E.T.Engineering Enterprises, Inc. , 481 Bedford Street, Bridgewater, Ma., dated September 3, 2019 and numbered 0827-001.
Ted Lyzmga from ET Engineering here for the Petitioner.

Building Commissioner/Zoning Enforcement Officer Robert Curran commented that the owner is claiming that this lot is grandfathered in accordance with MGL Chapter 40A, The owner will be required to have an attorney provide evidence of it is status as a “grandfathered lot” prior to the issuance of a building permit.

Planning Board commented that for safety concerns the driveway should not exit onto Monponsett Street but rather Briggs Street; the lot does not have frontage on Monponsett Street. There appears to be a strip of land possibly owned by the MBTA between the lot and Monponsett Street thus a second reason for not allowing the driveway to be established off Monponsett Street.

Chairman Cushing commented on the fact that there may be a discrepancy between Residential A district versus Business Zone.

Lyzmga spoke about the lot stating the size is 7,110 sq.ft. The proposal is to construct a two story single family home variance requested for side setback line, relief from frontage and relief from rear. The lot is unique in area and shape. Perc tests have been done and have passed.

Mr. Curtin indicated that he met with the Building Commissioner and showed him the determination from his attorney and he was okay with what he saw.

The Board suggested to Curtin to look at his deed and find out exactly where his bounds are. The property has been surveyed per Curtin and the strip of land does belong to the MBTA. The Board is requesting Curtin to talk to his attorney and provide documentation with existing abutting deeds so the Board can seek Town Counsel’s advice on existence of property (pre-existing – grandfathered?)

The Board said this needs to be done to verify that the lot was never held in common ownership with any abutting properties; if it was at any point in time, it does not have any grandfathering protection.

The Board suggested to Curtin that the hearing be continued to allow Curtin time to provide the necessary documentation for a decision.

Motion made to continue the hearing until November 12, 2019 at 6:00 pm: Kevin Perkins

Second: Joanne Miniutti

Vote: 3-0