

HANSON BOARD OF APPEALS
Minutes of Public Hearing September 22, 2020

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

Petitioner: Susan Lauzon – Case#20JA01
45 Ocean Avenue – 7:15 PM
Variance
(cont. from 8/11/20)

Petitioner is requesting a variance to allow for the construction of an 8' x 10' roof upon an 8' x 8' existing deck at the above address. Property is in Residence A zone.

The hearing has been on going as the Petitioner has not been able to show proper credentials from Town Counsel giving permission to use Lake Street (paper street) as a means of covering the deck already in existence.

Previously Building Commissioner/Zoning Enforcement Officer Robert Curran denied an application for a building permit and sent a letter stating this to Susan Lauzon in October 2019. He informed Ms. Lauzon that she needed a special permit or a variance from the BOA.

Mr. Fortier presented to the Board as part of the minutes a signed document by all the residents who abut around Ocean Avenue & Lake Street basically in favor of allowing the roof extension onto Lake Street. Also presented to the Board by Mr. Fortier was a copy of the Selectmen's Meeting held on November 27, 2018 with discussion with Town Counsel Kate Federoff which revealed that the Town does not have an ownership interest in Lake Street. (see attached)

Mr. Fortier showed Board a copy of the plot plan which he kept in his possession.

Board Member Perkins stated that he does not feel the Board can legally issue a permit to obstruct an easement.

Mr. Fortier's response to this was " if you feel that strongly about it go to Town Counsel and then take us to court."

Perkins continued to say that you got a petition signed by the abutters – the problem is that these abutters say they don't have a problem with this – but the problem is this if abutter A sells their property and now the new owner comes in, they have every right to pass on that paper street. From a legal perspective you cannot obstruct this – the town doesn't own it, but we cannot give you a permit to obstruct the paper street.

Chairman Cushing spoke to Fortier about his options: the Board can vote to deny the variance in which case you cannot refile for at least a year or two; or you can withdraw without prejudice and get the street expunged by an Attorney and do whatever you want.

Abutter Charles Montgomery, 71 Ocean Avenue, asked if he owns halfway to the road and they own halfway to the road –you own to the center line of the road.

Christos Loukas, 39 Ocean Avenue, now there is an I -beam stuck right in the center of road.??
(not quite audible on tape)

Motion made to withdraw without prejudice the request for a variance: William Cushing

Second: Sean Buckley

Motion made and seconded to allow the withdrawal of the variance without prejudice at 45

Ocean Avenue: William Cushing

Second: Kevin Perkins

Vote: 3-0