

**Zoning Board of Appeals
TOWN OF DUNSTABLE
Town Hall, 511 Main Street
Dunstable, MA 01827-1313**

Hearing Minutes – January 12, 2017

1. Call to Order

The Zoning Board of Appeals opened the hearing at 7:10 pm with a call to order by Mr. Tometich. The following were in attendance:

Zoning Board of Appeals Members

Leo Tometich, Chair
Matthew Raymond
Nathaniel St. Jean

Zoning Board of Appeals Associate Members

Stanley Norkunas
Robert Irzyk

Others:

Tracey Hutton, Town Administrator
Attorney Morrissey
Brian Locapo

2. Application of Dan Locapo for a special permit to repair fire damage and update to modern standards the single family residence at 47 Lower Dam Way pursuant to section four of the Dunstable Zoning Bylaws

Mr. Locapo and his attorney, Mr. Morrissey, addressed the Board of Appeals. The single family residence at 47 Lower Dam Way was damaged approximately 1 year ago by fire. The original residence was a cape in a cape style. The building itself, although burned, is still standing. An article from the Lowell Sun reporting on the fire was submitted to the Board of Appeals.

The intention of the applicant is to remove the damage structure and rebuild the residence on the pre-existing non-conforming lot. The new residence would sit on a very similar sized foundation with only moderate changes such as allowing a walk out entry point. The foundation area would be approximately 30 by 48 feet. The existing functioning 3 bedroom septic would be preserved.

Abutters to the property include the applicant's mother and sister-in-law. The applicant owns a barn which stands on property across the street. Currently the barn is used only for storage and the residential property is vacant. The applicant now seeks a special permit to allow for his intended rebuilding on the pre-existing non-conforming lot. The lot is approximately 10,000 square feet.

The Board of Appeals noted that the standard applicable for special permits of this nature is that the grant of such a permit does not make the use "substantially more detrimental" to the neighborhood. In this case, the proposed non-conforming single family structure appears to be no more detrimental than the existing structure and would fit within the confines of the lot on a substantially similar footprint. Therefore the Board of Appeals determined that granting the special permit would not make the lot substantially more detrimental to the neighborhood.

A motion was made by Mr. Irzyk to grant the special permit based on the findings of the Zoning Board of Appeals concerning the application for 47 Lower Dam Way. Mr. St. Jean seconded the motion and the motion was adopted unanimously.

3. Adjourn

A motion to close the hearing and adjourn was made by Mr. Raymond at 7:40 pm. The motion was seconded by Mr. Norkunas and the motion was adopted unanimously.

Minutes submitted by

Tracey Hutton

Tracey Hutton
Town Administrator