

**NORTHFIELD BOARD OF ADJUSTMENT  
SEPTEMBER 27, 2010  
MINUTES**

Members present: Keith Murray, Phil Cain, Kent Finemore and Dave Liberatore. Also present: Eliza Conde, Secretary.

**Minutes:** Keith Murray moved, seconded by Phil Cain to accept the minutes of July 26, 2010 as read. Motion passed.

**Michael C. Colby, Jr. and Deann Hunter: Application for a variance from Article 7 Table 2 of the Northfield Zoning Ordinance to build a 28'x28' garage within the front setback at 292 Shaw Road (Tax Map R8 Lot 4-7 – 5.03 acres) in the R1 zone.** As all abutters have been notified, Dave Liberatore moved, seconded by Phil Cain to accept the application as complete. Mike Colby explained that he would like to build a 28'x28' garage and there is no other place on the lot due to the terrain. The land drops off dramatically behind the proposed location making it difficult to build. The building would be 19' to 28' from the front property line, front to back. Mr. Colby presented photos showing the proposed location.

Dave Liberatore commented that the property slopes dramatically and it would not be appropriate to locate the garage down the hill. As it is, Mr. Colby will need to build up the ground level on one side of the garage.

Public hearing opened and closed with no comment.

Dave Liberatore had previously visited the site and confirmed that there really is no other location on the property that would be safe for a garage. Kent Finemore noted that the land does level out after the drop off, but Mike Colby said that his septic system is located in the level area.

Members reviewed the criteria questions for granting a variance:

1. Granting the variance would not be contrary to the public interest.
2. The spirit of the ordinance would be observed by granting a variance as the garage is not near an abutter and is actually about 40 feet from the road.
3. Granting the variance would do substantial justice because of the unique properties of the lot with the steep slope.
4. If the variance were granted the values of the surrounding properties would not be diminished because a garage is an accepted use of the property.
5. There is an unnecessary hardship with this property due to the steep slope and it is a reasonable use of the property.

Dave Libertore moved, seconded by Phil Cain to grant a variance from Article 7 Table 2 of the Northfield Zoning Ordinance to build a 28'x28' garage to be located no closer than 19 feet on

the left hand corner from the front setback at 292 Shaw Road (Tax Map R8 Lot 4-7 – 5.03 acres) in the R1 zone. Motion passed.

**Mikeal Roderick: Application for a variance from Article 7 Table 2 of the Northfield Zoning Ordinance to allow an in-law apartment at 37 Gifford Drive (Tax Map R11 Lot 8-1J – 1.27 acres) in the R1 zone.** As all abutters were notified, Dave Liberatore moved, seconded by Keith Murray to accept the application as complete. Mikeal Roderick explained that he had put in a small apartment in the basement for his mother, but since she is not using it he has rented it to another person. The apartment has fire alarms, fire walls etc. and has been inspected by the Fire Department. He will need to install a sprinkler system which he will do if the variance is approved. He is currently unemployed and needs the income from this apartment to be able to keep the home for his family. The apartment is approximately 700 square feet in one half of the basement and has its own kitchen and bathroom. The variance is required because the lot does not meet the 2.5 acre requirement for a 2 unit home. Mike Roderick pointed out that the abutting properties have 17 and 230 acres each and therefore the density issue is not a problem.

Public Hearing opened: Abutter Bob Isabelle has no complaints about the application. Public hearing closed.

Keith Murray expressed concern about the future when the house is sold and the variance stays with it. The purpose of the ordinance and lot sizes is to address density. He noted that this is a quiet neighborhood on a private road with large lots abutting the lot in question. He would be more concerned if this was in a more densely populated area. Phil Cain stated that it is already built and there would be no changes to the outside of the building. Dave Liberatore noted that the apartment is eventually for the owner's mother, but the variance would in fact stay with the property.

Members reviewed the criteria for a variance:

1. Granting the variance would not be contrary to the public interest as there would be no visual changes.
2. The spirit of the ordinance would be observed by granting a variance as the surrounding properties are large.
3. Granting the variance would do substantial justice because of the significant economic factors.
4. If the variance were granted the values of the surrounding properties would not be diminished because there is no visible change.
5. There is an unnecessary hardship with this property as the owner may lose house without the rental income.

Dave Liberatore commented that the owner will be making improvements that will make it safe as a rental property and that it eventually will be for the applicant's mother. Kent Finemore

stated that he has a problem with the “spirit of the Ordinance” and the density issue and the purpose of the zoning regulation is to control the number of units allowed.

Keith Murray moved, seconded by Dave Liberatore to grant a variance from Article 7 Table 2 of the Northfield Zoning Ordinance to allow an in-law apartment at 37 Gifford Drive (Tax Map R11 Lot 8-1J – 1.27 acres) in the R1 zone. Motion passed.

Meeting adjourned at 7:50 pm.

Respectfully submitted,

Eliza Conde, Secretary

*Minutes approved 11-22-10*