



# TOWN OF MIDDLETON

## ZONING BOARD OF APPEALS

---

### MEETING MINUTES

July 23, 2015

Flint Library

7:00 pm

**Members in Attendance:** Craig Hartwell, Chairperson; Anne Cote, Clerk; Ann LeBlanc-Snyder, Richard Nazzaro; Nicholas Phillip Yebba; James E. Fox

**Others Present:** Katrina O'Leary, Town Planner

**Absent:** Barbara Piselli

Craig Hartwell, Chairperson called the meeting to order at **7:06 pm**

### **I. Reorganization of the Board**

Mr. Hartwell tabled until a full Board is present.

### **II. Minutes**

#### A. Meeting Minutes

**MOTION:** Mr. Hartwell moved to approve the minutes from the meetings on March 26, 2015, April 23 2015, May 28, 2015 and June 25, 2015. Second by Mr. Yebba

**Votes:** 5-0 in favor; (Hartwell, Cote, Fox, Yebba, Nazzaro)  
Motion carries.

### **III. Public Hearings**

Continued Public Hearing - 37 Maple Street

Variance - above ground pool within the required front/side setback areas; George Rotondi

**Application #999**

Voting Members: Chairman Hartwell, Mr. Nazzaro; Mr. Fox, Ms. LeBlanc-Snyder, Mr. Yebba. Mr. Yebba has filed an affidavit under MGL c.39,s23D that he has reviewed the minutes of the June 25 meeting he missed.

There was no additional correspondence. Applicant provided septic plan and pictures.

Board Discussion:

Mr. Fox stated the property is immaculate. Mr. Yebba asked the applicant if, after looking at the septic plans, there are any concerns.

**MOTION:** Mr. Hartwell moved that the Board accept the following finding that soil conditions and topography limit the location of the pool to its current location, the topography in the northwest corner would cause construction outside of the side yard setback to require considerable engineering and cause a financial hardship. Due to these circumstances relating to soil and topography, literal enforcement of the bylaw would involve substantial hardship and the variance can be granted without substantial harm to the public or natural environment. Second by Ms. Cote.

Votes: 5-0 in favor; (Hartwell, Fox, LeBlanc-Snyder, Nazzaro, Yebba)  
Motion carries.

**MOTION:** Based on those findings, Mr. Hartwell moved to GRANT the variance of the side set back of the pool. Second by Mr. Yebba.

Votes: 5-0 in favor; (Hartwell, Fox, LeBlanc-Snyder, Nazzaro, Yebba)  
Motion carries.

Mr. Hartwell moved to adjourn at **7:15pm**. Second by Mr. Yebba. All in favor.

Submitted by recording secretary Leanna Harris, and accepted at the \_\_\_\_\_ meeting of the Zoning Board of Appeals.