Members Present: Rick Novak, Ron Steffek, Rodger Brown

Mr. Novak called the meeting to order at 8:00 p.m. in the Sherborn Town Hall, Room 204A and read the agenda. Mr. Novak read the agenda and made a motion to continue the continued hearing for Whitney Farm request for changes to their Comprehensive Permit to June 13, 2019. Mr. Brown seconded the motion, all in favor.

#21905: Variance request from Section 4.2 to construct a single family dwelling on an existing lot, Map 9. Lot 22A Nason Hill Road with insufficient frontage was presented by Glen MacMaster for Elaine Bonoma. Attorney George Richards from South Natick Law, counsel to the petitioners, also spoke.

Lot 22A, vacant land in the R-C district, but with less than 250 feet of frontage was owned for decades by a Mr. Lynch, individually. Mr. & Mrs. Lynch, as joint tenants, also owned the abutting lot next door (160 Nason Hill Road), with an existing dwelling on it – 160 Nason Hill Road also had less than 250 feet of frontage.

Upon Mrs. Lynch’s death, around the end of 1989, title to the two lots automatically merged in Mr Lynch individually, creating a single building lot with over 250 feet of frontage and an existing home.

Mr. Lynch died in early 1990 only a few months after his wife. Robert MacMaster, Glen’s father, inherited the merged lots from Mr. Lynch. The Board of Assessors continued assessing Lot 22A as a buildable lot and no abatements were filed. The senior Mr. MacMaster, a non-lawyer, apparently believed he had two building lots notwithstanding the legal merger, and he relayed this subjective belief to his two sons.

Upon the senior Mr. McMasters death, Glen MacMaster inherited the property. Mr. Greg MacMaster, Glen’s brother, currently resides at the house at 160 Nason Hill. Glen MacMaster discussed the process he has go to in order to get to this point of being in front of the Zoning Board. He was told by Gino Carlucci, Town Planner that the lot had insufficient frontage and that he should go the neighbors to see if they would be willing to sell a portion of their property in order to have the required 250 feet of frontage. Mr. MacMaster did attempt that route but his neighbors were not interested in selling.

Attorney Richards did feel that there may be a legal argument as he claimed the lot is an usual shape, narrow but 4 acres with most of the land in the back. There is an Algonquin pipeline easement area next to the lot which is roughly 70 feet wide and it makes it appear that there is enough frontage. Finally taxes have been paid as a buildable lot. Town has collected many
Mr. MacMaster said he did not see anyone here that would consider this a detriment to the neighborhood. Not granting this variance would be a hardship in the past, present and future, Mr MacMaster and counsel argued.

Mr. Novak stated that while the Board respects a petitioner’s lawyer’s right and obligation to represent his client, variance law requires specific factual circumstances be present to enable the Zoning Board of Appeals able to grant a variance. Mr. Novak stated that the frontage has not changed in that district and it has been 250 feet since the current by-laws were formed. The two lots merged as a matter of law almost 30 years ago. None of the M.G.L. c 40A variance standards are net. Incorrect assessment is not grounds for a variance; the remedy for that is to file for an abatement. Nothing that has been presented allows for the granting of a variance. Both Mr. Steffek and Mr. Brown agreed with Mr. Novak.

There was discussion with the MacMasters and their attorney regarding a possible “paper” road. They could go to the Planning Board and see if this was possible. Another possibility would be an accessory apartment for Greg MacMaster to live in.

Mr. Steffek made a motion denying the request for a Variance for the property located at Map 9, Lot 22A Nason Hill Road. Motion seconded by Mr. Brown. Vote of 3-0 to deny Variance.

Motion made to adjourn by Mr. Novak, seconded by Mr. Steffek. Vote of 3-0 to adjourn hearing at 8:45.

Mr. Novak made a motion to adjoin. All in favor. Meeting adjourned at 8:40pm.

Respectfully submitted,

Jeanne Guthrie

Approved July 30, 2019