

Shutesbury Zoning Board of Appeals Meeting Minutes
February 26, 2018 Shutesbury Town Hall

Zoning Board of Appeals members present: Chuck DiMare/Chair, Tom Williams and Jeff Lacy
ZBA Alternate present: Andy Berg attended briefly to ensure quorum
Staff present: Linda Avis Scott/Land Use Clerk

Guests: Rich Lawlor and Cathy Lawlor/100 Lake Drive, Randy Paul/Contractor and Carol Thompson/104 Lake Drive

DiMare calls the meeting to order at 7:05pm.

Lacy moves and Williams seconds a motion to approve the 9.25.17 meeting minutes as presented; motion passes unanimously.

Case 18.001/100 Lake Drive:

At 7:10pm, DiMare calls the public hearing to order and reads the legal notice into the record: "The application of Richard & Catherine Lawlor for property located at 100 Lake Drive, for a Special Permit and/or Variance pursuant to Sections 9.2, 10.3-2 and other Sections of the Shutesbury Bylaw for the removal of an existing storage shed and for the construction of a single bay carport/pole-barn garage (twenty foot by fifteen foot) and for the construction of a storage shed (fourteen foot by ten foot). This demolition and/or construction will occur in the existing parking area and will be completely within (the carport) or substantially within (the storage shed) the fifteen-foot setback and very close to the neighbor's property line." It is noted for the record that DiMare, Williams and Lacy conducted site inspections. Cathy Lawlor: their goal is to live full time at 100 Lake Drive therefore they are planning to bring the house up to code by building an addition for a regular staircase and constructing covered storage for a car. Randy Paul/contractor: the house is built on a series of terraces going down toward Lake Wyola; the retaining walls are deteriorating; the general scope of the project is to redo access to the house via a small addition to the back of the house. Per Paul, the covered small pole-barn style carport on piers will have a shed roof for additional storage; the existing shed may be salvageable. It is clarified that the carport will have walls. The proposed structure will be located within five feet of the abutting property line for 102 Lake Drive. DiMare reads into the record the notarized letter, dated 1.10.18, from the abutting neighbor, Josie Sibley/102 Lake Drive; Sibley states she has no concerns or objections to the proposed project (see file).

DiMare: it is the Board's preliminary determination to proceed with the Special Permit application as per Shutesbury Zoning Bylaw Section 4.2-2 B.2: "Non-habitable detached or accessory structures which cannot meet the setback requirements of this Section 4.2-2B may be allowed by Special Permit from the ZBA, provided that the Board finds such structures to be in harmony with the residential development in the zoning district and not detrimental to the neighborhood." C. Lawlor: their goal is to stay in harmony with neighbors. Paul: the proposed building will be set about five feet down from the road level; the top ridge will be approximately fourteen feet off the ground; the dark stain on the new carport will match the home; the appearance will be as unassuming as possible. Per Paul, the peak of the existing shed is about ten feet high. C. Lawlor: the house across the street from 100 Lake Drive is set up higher therefore the new carport will not block the residents' view; the proposed project has been discussed with the owners/Turecki/99 Lake Drive. Carol Thompson/104 Lake Drive states that she has no problem with the Lawlors' proposal. The Board notes that once the carport is constructed there will still be room for a second car in the driveway. Lacy notes that the purpose of the side setback is to provide room for emergency vehicles to maneuver and that the distance between the Sibley and Lawlor homes does not allow such access to the Sibley home.

Williams asks if the proposed plan would worsen the situation. Lacy: the proposed plan would probable perpetuate the access situation. Rich Lawlor: the prior owner of 100 Lake Drive gave permission to the adjacent property owner/102 Lake Drive to use a ladder; using a ladder on the abutting side of 102 Lake Drive required placing the foot of the ladder on 100 Lake Drive property. Paul: the existing stairs and wall are in poor shape; the goal is to create a secure pathway down the abutting side of 100-102 Lake Drive; this will create safer access. Thompson states that her property provides a large area for emergency access to 102 Lake Drive. DiMare asks the Board if there are any further questions. R. Lawlor: the plan is to bring the septic system and electrical up to code thereby increasing the safety of the home. Paul: there will be significant upgrades on several levels. DiMare: will there be any changes to water flow and drainage? Paul: there will be no changes to the paving or natural contours of the site; the applicants will be applying for a wetlands permit through the Conservation Commission. At 7:37pm, ZBA members unanimously agree to close the evidentiary portion of the public hearing and enter into deliberation. The Board unanimously agrees for Lacy to draft a decision.

Special Permit Review Criteria, Section 9.2-2, are considered. The Board finds that the proposed project complies with the general findings: the proposed use is in harmony, the benefits of the proposed use outweigh adverse effects to the Town and the proposed use is consistent with the Shutesbury Master Plan. Lacy notes that enclosing automobiles is a benefit to the Lake Wyola watershed. Specific criteria: 1. the proposed project is consistent with the Lake Wyola District and ConCom approval will be sought; 2. the proposal will not create a view obstruction and is compatible with surrounding uses; 3. the new structure is next to the road therefore emergency access is not a concern; 4. no excessive off-premises noise, dust, etc. will be created; 5. not applicable; 6. not applicable; 7. project will comply with ConCom permit; 8. no significant adverse environmental effects will be created; 9. there will be no effect on municipal services. The members of the ZBA are in general agreement that criteria 1 through 9 have been met. All agree to continue the public hearing to 3.19.18 at 7:00pm. Special Permit conditions will include the need to be in compliance with other Boards, the need to assert the proposed structure is non-habitable and meets the criteria listed in Section 9.2-2. The Lawlors note that they expect the chain link fence to be removed.

DiMare notes that individuals interested in a thirteen acre parcel on January Hills Road did not attend tonight's meeting for education and guidance; access and frontage issues may be involved.

Lacy: the Planning Board will be discussing the proposed increase in accessory apartment square footage during their 2.27.18 meeting; thus far, the Planning Board is not in favor of an increase to 1,000 sq. ft. however may consider an increase to 900 sq. ft. Williams inquires whether the Planning Board is considering interior or exterior measurement for accessory apartment square footage. Lacy does not know the Planning Board's stance on this question. DiMare is unable to attend the 2.27.18 Planning Board meeting however would want to represent the ZBA's experience to the Planning Board.

At 8:12pm, Williams moves and Lacy seconds a motion to adjourn the meeting; motion passes unanimously.

Respectfully submitted,
Linda Avis Scott
Land Use Clerk