

Shutesbury Zoning Board of Appeals Meeting Minutes
September 30, 2020 Remote Meeting via Zoom

Zoning Board of Appeals members present: Chuck DiMare/Chair, Jeff Lacy, and Andy Berg

Zoning Board of Appeals alternate present: Herb Gilmore

Staff present: Tessa Dowling/Land Use Clerk

Guests: Steve and Meaghen Mikolajczuk, David Holmes, Karen Keegan, Roy LaClaire, Lisa Kaplan, David Shanabrook, Michael Shanabrook, Andrew Cloutier

DiMare calls the meeting to order at 7:00pm.

Statement relative to conducting virtual meetings following the Governor's restrictions on public meetings is read into the record by Dowling.

Lacy moves and Berg seconds a motion to approve the 7.28.20 meeting minutes; the minutes, as presented, are unanimously approved.

Case 20-002 Special Permit 32 Lake Drive/ Mikolajczuk

DiMare opens the special permit hearing at 7:02pm. The hearing has been posted in the Hampshire Gazette on September 14th and September 21st. DiMare reads the hearing notice. Per DiMare, there is a correction to the notice- while there is a lakeside setback there is no side setback. The project would raise the roof height of the existing house 5ft and extend a porch out 8 ft.

DiMare: Eight feet closer to the lake?

Mikolajczuk: Yes, but not in the 25 feet high water mark setback. The porch will be new, there are currently a set of exterior stairs only.

A mock-up of the proposed height increase to the house has been installed.

DiMare, Berg, Lacy, and Gilmore have all viewed the mock-up. Holmes, Keegan, LaClaire, and Kaplan are abutters to 32 Lake Dr. Only Keegan and LaClaire have viewed the mock-up.

Per Lacy, the ZBA has 65 days to hold the hearing after filing an application and 90 days after closing the hearing to issue a decision.

Per DiMare, the septic system for this project has been approved by the Board of Health and the Conservation Commission.

DiMare: Was the project discussed with abutters?

Mikolajczuk: The project was discussed with David Holmes, Glen Humphriss, and Susan Panlilo. David Holmes is not supportive.

Per Lacy, zoning ordinance 6.1-3C applies to this project. DiMare reads section 6.1-3C aloud. The ZBA is not required to look at section 9.3-2B specific findings 1-9, although the Mikolajczoks addressed those concerns in their application. DiMare stated that although the board is not required to look 9.3-2B they may do so.

DiMare: Why should the project be granted?

Mikolajczuk: The project would improve the appearance of the house and bring it up to date and increase energy efficiency. The height will still be below the 28 feet maximum. The house was neglected. Current height of house is higher than Keegan's house. One house across the street is higher. The project would be a long-term solution. The number of bedrooms (2) would not increase. The number of bathrooms would increase from one to three and there would be a new office space.

DiMare requests comments from board members.

Lacy: How will the gravity septic system work?

Mikolajczuk: The topography/grade will be raised between the road and the house. The grade will match the level of the road as is seen at neighboring properties.

Gilmore: What will be the use of the new area?

Mikolajczuk: Two bedrooms and a bathroom on the second floor. It will stay a single-family dwelling.

Gilmore: The 5 ft increase in height relates to the level of the ground as it is now?

Mikolajczuk: Yes, the height increase does not relate to the proposed new topography.

DiMare reads letters of support from abutters Humphriss and Panilo, which were written on August 18, 2020 and submitted with the special permit application.

DiMare requests comments from abutters present at the meeting.

Per Kaplin, wanted clarification on height increase. Kaplin is not concerned that she was not contacted sooner about the project. The height increase as proposed does not block her view of the lake. Kaplan does not feel a negative impact from the project.

Per Holmes, objection to height increase but supports rebuild. Concerned that if houses directly on the lake with small lot sizes, such as 32 Lake Drive, all get

permission to increase in height the view of the lake will be blocked significantly for the houses across the street. Suggests an increase in height but a steeper pitch to the roof so that less of the view from across the street is blocked.

Per Mikolajczuk, there is a 40ft stretch of beach that is under easement in the area that will not be developed.

Per Keegan, wanted clarification on what existing footprint means. Per Lacy, the project will be built on the existing foundation. Keegan does not object to the project as proposed.

DiMare requests further comments.

Lacy has five concerns: 1) close proximity of other houses, 2) height of neighboring houses is lower, 3) encourages a wall of houses that could block view, 4) increase defoliation/ clearing, 5) a height advantage over other properties in terms of the view of the lake. Could be detrimental to neighborhood.

Holmes: How is detriment to the neighborhood determined?

DiMare: ZBA will listen to public and will require a unanimous decision of board members.

Per Mikolajczuk, concern for required height for a bedroom if they change pitch of roof. The project will improve infrastructure and improve the 1935 house.

Per Lacy, the lot is small and not meant for year-round residency.

Gilmore biked passed and stopped at the house across the street and did not think the view was blocked.

Holmes invites the board members to visit his property at 33 Lake Dr. and take photos of the view of the lake. Lacy, DiMare, and Gilmore will visit at separate times on October 6th. No additional testimony will be taken during the visit.

Special Permit Hearing for Case 20-002 will be continued to October 14, 2020 at 7pm.

Motion & Discussion to increase application fees for Special Permits/Variances from \$300 to \$400; Site Plan Review from \$100 to \$200

Per DiMare, the cost of legal ads for special permit hearings has increased during the pandemic due to added language regarding new open meeting law regulations. Cost now ranges around \$500-\$550. This increase could overextend the ZBA allotted budget and lead to deficit spending. There are also added expenses related to the site plan review. Costs may go down after the pandemic, and the set costs per application/review could be reassessed at that time. Lacy, Berg, and Gilmore are in favor of the increase. A vote will take place at the next meeting, October 14, 2020.

Education/Guidance

- David Shanabrook is interested in buying approximately 29 acres in town. Part of the parcel is currently under Chapter 61B. Shanabrook would like to reconstruct the existing building and is considering creating a cluster of houses on the property. Per DiMare and Lacy, Shanabrook needs to talk with the Planning Board to learn if there is sufficient frontage on Cooleyville Rd for multiple houses. If no new road is planned than the a special permit would be appropriate for this type of project.
- Andrew Cloutier is interested in constructing a detached, enclosed shed 16 x 24 ft that would be placed 16 ft from the center of the road and 12 feet from the edge of the road. The property is in the Lake District so the project would not meet the 20 feet minimum setback requirement. Per Lacy, Cloutier should read over section 4.2-2B2 of the Zoning Bylaws. Per DiMare, Cloutier can submit a special permit for the project with the \$300 application fee.

New Business

Berg will not be available between October 15th and November 10th 2020.

Old Business

There is no old business at this time.

At 9:34pm, Lacy moves and Berg seconds motion to adjourn the meeting; the motion passes unanimously.

Respectfully submitted,
Tessa Dowling
Land Use Clerk