

## Shutesbury ZBA Meeting Minutes

Date: 12/6/2021, 7:04-8:15 PM

Attendees: Charles DiMare, Jeff Lacy, Herb Gilmore

Virtual meeting called to order by DiMare with announcement that the Governor's COVID-19 Mandates as amended are no longer in effect and that the meeting is being recorded

Minutes of 9/7/2021 and 10/18/2021 unanimously approved. Minutes for 7/29/2021 and 11/8/2021 deferred to next meeting

Public hearing of Special Permit Application submitted by Joseph Salvatore for property located at 31 Lakeview Road, Shutesbury for removal of an existing structure and replacing it with a new foundation and structure.

DiMare:

Points out that the new structure encroaches on front set-back only (29 ft.) and on no other set-backs. Lot size of 32,500 sq. ft. non-conforming to the 90,000 sq. ft. minimum lot size for Roadside Residential property

Mr. Salvatore:

- Project submitted to the Shutesbury Conservation Committee; ongoing discussion with the Commission to be continued at scheduled 1/13/2022 meeting
- Project application submitted to Building Inspector months ago; approval pending
- Existing structure already removed months prior to submission of Special Permit application since Mr. Salvatore considered the structure to be dangerous and that it was about to "cave in". Existing structure had not been occupied for approx. 40 years
- New Building Plans were submitted along with Special Permit Application. New structure will occupy the same footprint as the already-removed pre-existing structure

- Existing stones on property will be reused and old chimney will remain as an ornament; not a working chimney.
- New structure will be a single-family, 2-bedroom dwelling (same as pre-existing structure). New septic already installed is designed for 3-bedroom occupancy.
- Property was purchased by Mr Salvatore 7/2020

Gilmore:

- Asked if the proposed structure is considered a new construction since the pre-existing structure had been removed prior to special permit application

Lacy:

- Asked height of pre-existing structure: 20 ft. Height of proposed structure: 28 ft. 9 in front, 36 ft. back. Mid-structure height below the 35 ft. maximum height for Roadside Residential structure.
- The proposed structure is considered an alteration to a pre-existing structure and thus Section 6.1 of the Zoning Bylaw (specifically 6.1-3C) applies

DiMare:

- Asked if Mr. Salvatore had discussed the present project with neighbors. Mr. Salvatore said he had and that there were no concerns expressed by the neighbors
- Agrees with Lacy that the project falls under Section 6.1-3C of the Zoning By Law and does not require analysis of the full special permit criteria

Ms. Fairy (education/guidance):

- She is a neighbor, not an abutter to Mr. Salvatore.
- She is glad that the pre-existing dilapidated structure has been removed. Agreed that the property had not been occupied for 40 years. She thinks that the new structure will be an asset to the neighborhood
- Her question was regarding the proposed structure's 50 foot set back from the adjacent stream. It is her understanding (and had been told such in the past by Conservation Commission) that state law required structures to be set back at least 200 feet. Lacy suggested that the Rivers Protection Act applies.

- She also owns a second property abutting her larger parcel with less than required frontage. Lacy suggested that s merger of the 2 properties for frontage purposed could be considered to make the non-conforming lot buildable.
- DiMare recommended that she contact the Conservation Commission and the Planning Board.

DiMare:

- Deliberative phase of Mr. Salvatore's application for special permit to be continued at the next ZBA meeting 1/19/2022, pending approval of the project by the Conservation Commission at their scheduled 1/13/2022 meeting. Lacy will author draft approval for next ZBA meeting

Meeting was adjourned by DiMare, agreed to by unanimous voice vote.