

Shutesbury Zoning Board of Appeals Minutes
DRAFT Minutes – 09/7/2023
(Approved – 11/02/2023)
Virtual Meeting

Meeting Start: 7:00pm

Members Present: Jeff Lacy, Mary David, John Aierstuck

Associate Members Absent: Jon Thompson

Staff Members: Carey Marshall (LUC)

Other Present: Ross Kiely (Applicant), and all other unidentified individuals.

Chair's Call to Order at 7:03pm

Meeting is being recorded

Public Comment

None

Education and Guidance

None

Minutes 5/28, 6/13

Carey Marshall, LUC, apologies to ZBA as she finished the draft minutes for both 06.28.2023 and 07.13.2023 right before the meeting. She suggests that ZBA can review the minutes together via screenshare or they can wait until next meeting. Lacy recommends ZBA wait until next meeting to review and vote on these minutes.

Matter will be revisited next meeting.

Discuss/vote new Chair

Lacy announces that he will be moving within the week and plans to resign from both the Planning Board and Zoning Board of Appeals effective on September 12th, 2023. Thompson is not here tonight due to a family emergency but has agreed to take Lacy's spot as a full member of the ZBA. He explains that he has discover that even though he will no longer be a resident of the town, he can still be on the ZBA as an associate member which will be discussed at the next Selectboard meeting. David and Aierstuck support Lacy becoming an associate member. The matter of Chair is still undecided.

Lacy shares that he is unsure if Thompson would want to be Chair. He was the Chair of the Planning Board when Lacy joined, he was an Amherst Building Inspector therefore has a lot of technical knowledge that would be used to the board. David asks if Lacy believes he would agree to being Chair temporarily until she or Aierstuck has more time on being on the board. Lacy answers that he might and would probably want reassurance that it would be temporary.

Aierstuck agrees with David's suggestions and asks if David would consider being Chair down the road. David answers she is unsure.

Motion: David moves to make Jon Thompson the temporary Chair of the ZBA, Aierstuck seconds. Vote: David – Aye, Aierstuck – Aye, and Lacy – Aye. *The motion carries.*

Lacy will inform Thompson of the decision

Public Hearing for 70 Cooleyville Rd Kiely Special Permit

The project is to demolish pre-existing single car garage that is within the front set which makes it non-conforming. The proposal is to build a taller and larger 3-bay garage resulting in the structure being closer to the rear and East property lines; need for special permit.

Kiely shares that the pre-existing structure has already been demolished as it was it was a safety hazard; structural unstable and a threat to workers. He was advised to remove the garage by multiple contractors he had consulted with. At the moment, his wife and him are sharing one car but plan to get a second car soon as it is needed for both of their jobs. They are proposing a 3 bay-garage because they also plan to purchase and store a tractor. The plan to use the tractor to farm the land in the back that is currently overgrown. They are proposing to change the orientation of the garage from its original in order to have an easier time getting on and off the road as the traffic is difficult. Kiely adds the new garage will sit where the previous garage was but it will be extending towards the back of the home. This will result in the need to regrade the area to secure the extended footprint and to manage water runoff. Since the garage will also extend in height, this adds a new living area above the garage that will remind undeveloped at this time.

Lacy asks if Kiely can share the site plan. Kiely screenshares the 70 Cooleyville Rd Site Plan via screenshare for ZBA to review. Lacy asks that the South Elevation shown on the plan is what will be seen from the road. Kiely confirms that is correct. Lacy asks if in the original plot plan given, it appears that the septic plan will in under the garage, is that correct? Kiely clarifies that is incorrect. Marshall screenshares the original plot plan that was shared with ZBA via screenshare. Kiely was unaware that this version of the plot plan showed the septic tank being under the garage but assure the plans not to have garage covering the septic tank. Marshall shares the current plot plan again. David asks if the wetland declinations is shown on the current version. Kiely confirms. Lacy states this plan shows the septic tank not under the proposed garage, and shows a comparison or the old and new garage. The old garage was 15ft by 25ft and new one is to be 18ft by 30ft6". Aierstuck asks how far is the east boundary line from the edge of the garage. Kiely states that there is about 400ft to 500ft between the east boundary and the garage. He explains there is potential encroachment into the 100ft buffer zone line but after discussion with the Conservation Commission, the driveway is proposed outside of the 100ft buffer zone.

Lacy asks if Marshall received any written testimony regarding Kiely's project. Marshall shares that they only feedback received was from the Fire Chief stating "the heat detector in the upstairs portion of the garage needs to be changed over to a smoke/Co combo detector. Otherwise, everything looks great". Marshall confirms with David what email address she has listed for her.

She recommends ZBA to check their spam folder to check if they missed any emails from her. ZBA has no further questions. There is no public comments.

Motion: Aierstuck moves to close the Public Hearing for 70 Cooleyville Rd, David seconds. Vote: David – Aye, Aierstuck – Aye, and Lacy – Aye. *The motion carries.*

Lacy shares ZBA could review the special permit he has drafted or they could decide to meeting again to review and approve the permit. David asks if the permit would also be approving the addition living space above the garage. Lacy states the permit would approve the garage addition with the respect to the decreased distance from the side and rear lot line and increase in height. Aierstuck asks if Kiely would need to apply for another permit to develop and finish the addition living space. Lacy answers that would be a part of Kiely’s building permit; not a ZBA matter.

David and Aierstuck agree they would like to proceed with reviewing the permit tonight. Lacy shares the drafted Special Permit for 70 Cooleyville Rd for ZBA to review via screenshare. Lacy reads the permit aloud. Lacy asks if the space above the garage will be an additional living area. Kiely states that is it certainly larger enough for an addition living space but currently plans for it act as a storage space. Lacy shares that since the parcel is 30 acres and now has a 3 bedroom septic tank then there is nothing preventing him to make this additional room into a 3rd bedroom. Kiely understands. Lacy edits the ‘Request’ portion of the special to include ‘.. with a larger three-car garage that has a second story.’. ZBA agrees to the change. Aierstuck asks that since the demolish has already occurred, does it need to be included in the permit. Lacy confirms that it should be listed as it acknowledges there was a former structure. Plan section is updated to list ‘Garage Addition Plot Plan, 70 Cooleyville Rd 29+/-Acres, dated August 26, 2023, by JP Engineering Services’. David notes that there is a new driveway being proposed but is not mentioned in the permit. Lacy adds a second condition stating ‘The applicant shall receive a curb-cut permit from the Highway Department prior to construction of the driveway’. ZBA agrees to this addition. ZBA has no further edits or comments.

Motion: Aierstuck moves to approve the Special Permit for 70 Cooleyville Rd as reviewed, David seconds. Vote: David – Aye, Aierstuck – Aye, and Lacy – Aye. *The motion carries.*

The ZBA grants Lacy permission to sign for them

Unanticipated Business

None

Motion to Adjourn: David moves to adjourn, Aierstuck seconds. Vote: David – Aye, Aierstuck – Aye, and Lacy – Aye. *The motion carries.*

Meeting Close: 8:06pm

Next Meeting: TBA

Documents Used

- 70 Cooleyville Rd Site Plan

- 70 Cooleyville Rd Plot Plan (version 1)
- 70 Cooleyville Rd Plot Plan (version 2)
- 70 Cooleyville Rd Special Permit