

Zoning Board of Appeals Meeting Minutes

Minutes of February 21, 2018

Hearing on the petition of Arthur Bloomquist of 96 Lake Street, Plympton, MA for a Variance to build a new home 32-feet from right sideline, 320feet from left sideline and 26.1-feet from waterside on property located at 20/22 Lake Drive, Leicester, MA

Members present: Vaughn Hathaway, Chair; Jim Buckley, Clerk; David Kirwan, Jim Reinke

Alternate members present: Dick Johnston, Mary Moore

Meeting called to order at 7:30PM

Instructions given on hearing procedures.

Voting at tonight's hearing: Vaughn Hathaway, Jim Buckley, David Kirwan, Jim Reinke and Dick Johnston

Mr. Buckley read the Notice, application, Finding of Facts, letter from Building Inspector into the record.

Submitted into evidence: Registered Plot plan, return receipts from Certified Mail to abutters

Correspondence received: Mr. Hathaway read a memo from Board of Health, Site Consideration from Building Inspector into the record.

Mr. Hathaway opened the meeting to the applicant to present the application.

Mr. Jeremy Croteau of DC Engineering representing the applicant made the presentation.

There were two existing lots each having a house on them. They wanted to remove both buildings and rebuild one home basically in between the two buildings being removed.

The side setbacks would be improved, the front setback will remain the same and the lake setback will remain the same.

They can't push closer to the lake because of the location of the septic system.

Mr. Kirwan asked if there were any pictures of the home being built.

Mr. Croteau said no, but the home will be a 26 x 36 two-story cape.

Ms. Moore asked if the property would remain as two separate lots.

Mr. Croteau said they were combined and on one deed.

Mr. Reinke asked about the FEMA flood lines shown on the plan and if they complied.

Mr. Croteau said it's not ruled as a Zone A, so there wasn't a base for elevation and there was nothing that would require FEMA. The lines were taken from the Mass-GIS website.

Mr. Reinke said that was the problem because Mass-GIS was not accurate, and if this application gets approved, where the house was going, it will change.

Mr. Croteau said they will keep it within the existing grades in that area.

Mr. Reinke asked what the elevation difference between the lowest points of the house.
Mr. Croteau said to the water was approximately 75ft.
Mr. Kirwan asked the location of the septic system.
Mr. Croteau said the tank was on the lakeside, leach field was on the roadside, and both in pre-existing locations.

Mr. Reinke asked about off-street parking and if a driveway was provided.
He felt on-street parking would have an adverse effect on the neighborhood. He recommended the plan show off-street parking before receiving a building permit.
Mr. Hathaway noted that could be a condition added to the motion if approved.

Mr. Hathaway asked what the hardship was if not approved.
Mr. Croteau said they had only 100ft frontage after combining two lots. The setbacks in this zone are 40ft and that left a 20ft window to put a house. The topography from the lake drops right off down towards the lake and they wanted to keep the septic as far away from the lake as possible. They needed 10ft from the property line and 20ft from the septic to the house, which dictated where the house could go.

Mr. Kirwan asked whether the lots were family owned.
Mr. Croteau said no.

Mr. Hathaway felt hardship was made clear and what made this lot unique, as far as the drop off.
Mr. Kirwan asked whether this could be considered a self-imposed hardship.

Ms. Moore asked whether this home was two-bedroom and the square footage of the home.
Mr. Croteau said it was two-bedroom and 26 x 36 square foot home.

Mr. Hathaway had considered self-imposed hardship, but after viewing the property, this plan was a huge improvement to the neighborhood and would not be more detrimental.
Mr. Reinke & Mr. Kirwan agreed.

Mr. Hathaway agreed with Mr. Reinke's suggestion regarding off-street parking addresses part of having no detriment to the neighborhood, as well as, the way the home sits on the property, would not block anyone's view of the lake.

Mr. Hathaway asked for any further comments, or concerns, hearing none, asked for a motion.
MOTION: Mr. Reinke moved to approve the petition of Arthur Bloomquist of 96 Lake Street, Plympton, MA for a Variance to build a new home 32-feet from right sideline; 32-feet from left sideline; and 26.1-feet from waterside on property located at 20/22 Lake Drive, Leicester, MA

With the Condition that Two (2) Off-street parking spaces be provided and added to the plan for a building permit.

SECONDED: Mr. Kirwan – Discussion: None – VOTE: All in Favor

Finding of Facts:

Jim Reinke voted in favor of the motion because he felt this being a small lot, the applicant made the attempt to make sure the new home was more conforming. The hardship was the topography of the lot. It would not be a detriment, especially with providing off-street parking and will be an improvement to neighborhood.

Jim Buckley voted in favor of the motion because he felt it met the conditions in the Zoning Bylaws for the granting of a variance. Hardship was met due to the shape and topography of the lot and won't be detriment to the neighborhood.

Vaughn Hathaway vote in favor of the motion because he felt it met requirements for a variance and the petitioner tried to make a good effort to try to make setbacks more conforming.

David Kirwan voted in favor of the motion because he felt it would improve the property and that hardship was met due to the shape and topography of the lot. It won't be more detrimental to the neighborhood.

Dick Johnston voted in favor of the motion because he felt it met the requirements for variance, it would improve neighborhood and won't be more detrimental.

Instructions given on the appeal process and the filing of the Decision with the Registry of Deeds.

MOTION: Mr. Kirwan moved to close the Hearing

SECONDED: Mr. Buckley – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:02PM

General Minutes

Approval of Minutes

11/29/2017 – 45 Burncoat Lane

MOTION: Mr. Kirwan moved to approve the minutes of November 29, 2017 for 45 Burncoat Lane with minor corrections noted.

SECONDED: Mr. Buckley – Discussion: None – VOTE: All in Favor

11/29/2017 – Executive Session

Put footnote “not available to public viewing”.

MOTION: Mr. Buck moved to approve the minutes of November 29, 2017 Executive Session with corrections noted.

SECONDED: Mr. Kirwan – Discussion: None – VOTE: All in Favor

1/10/2018 – 29 Rawson Drive

MOTION: Mr. Kirwan moved to approve the minutes of January 10, 2018 for 29 Rawson Drive with minor corrections noted.

SECONDED: Mr. Buckley – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:15PM

Respectfully submitted:

Barbara Knox

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