

## **Zoning Board of Appeals Meeting Minutes**

Minutes of November 29, 2017

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

Alternate members present: Mary Moore, Dick Johnston

In Attendance: Attorney Joseph Cove, Town Counsel; Michelle Buck, Town Planner; David Genereux, Town Administrator

Meeting called to order at 7:00pm

### **Executive Session:**

Mr. Hathaway opened the meeting asking for a motion to go into Executive Session to discuss strategy with respect to litigation.

MOTION: Mr. Orth moved for the Zoning Board of Appeals go into Executive Session to discuss strategy with respect to litigation.

SECONDED: Mr. Buckley – Discussion: None – POLL VOTE: Mr. Buckley, aye; Mr. Orth, aye; Mr. Kirwan, aye; Mr. Reinke, aye; Ms. Moore, aye; Mr. Johnston, aye; Mr. Hathaway, aye.

Hearing no further discussion, Mr. Hathaway asked for a motion to close Executive Session.

MOTION: Mr. Orth moved to close the Executive Session

SECONDED: Mr. Kirwan – Discussion: None – POLL VOTE: Mr. Buckley, aye; Mr. Orth, aye, Mr. Kirwan, aye; Mr. Reinke, aye; Ms. Moore, aye;

Mr. Johnson, aye; Mr. Hathaway, aye.

Executive Session adjourned at 7:49PM

### **Public Hearing**

Hearing on the petition of Robert Dirsra of 45 Burncoat Lane, Leicester, MA for a Special Permit to construct a 30' x 32' two-car garage across the street from his house.

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

Alternate members present: Mary Moore, Dick Johnston

In Attendance: Sandra Wilson, Liaison

Meeting called to order at 7:52PM

Instructions were given on hearing procedures.

Mr. Buckley read the notice, application and a letter from the Building Inspector into the record.

Submitted into Evidence: Registered Plot plan and the return receipts from Certified Mailing to abutters.

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

At this point, Mr. Hathaway opened the hearing to the applicant to present his request to the Board.

Mr. Robert Dirs, property owner in attendance.

This is basically a two-car garage for his vehicles and storage. The upstairs will remain unfinished. The garage was designed to match the house.

Mr. Orth asked if the garage will be heated.

Mr. Dirs said he would probably put in a pellet stove.

Mr. Hathaway explained the reason for the hearing was technically the garage was considered to be in front of the house.

Mr. Dirs understood and explained he lived on the lake, so that's his backyard.

Mr. Buckley asked if this was near the lake.

Mr. Dirs said the closest point was approximately 170-feet.

Mr. Buckley asked if there would be water hookup to the garage.

Mr. Dirs said no.

Mr. Johnston said there were three other free standing garages on Burncoat Lane, therefore this would not have an adverse effect on the neighborhood.

Voting at tonight's meeting: Jim Reinke, Jim Buckley, Vaughn Hathaway, David Kirwan and David Orth

Hearing no further comments or questions, Mr. Hathaway asked for a motion.

MOTION: Mr. Orth moved to approve the petition of Robert Dirs of 45 Burncoat Lane, Leicester, MA for a Special Permit to construct a 30' x 32' two-car garage across the street from his house.

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

Instructions were given on the appeal process and the filing of this decision with the Registry of Deeds.

MOTION: Mr. Buckley moved to close the hearing

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

Hearing closed at 8:00PM

### **General Board Discussion**

Ms. Sandy Wilson, BOS Liaison updated the Board regarding 22 Pleasant Street appeal. The Town won the court case, but does not want to pursue enforcement due to the expense it would cost the Town.  
A full report will follow.

### **Approval of Minute**

9/20/2017

MOTION: Mr. Kirwan moved to approve the minutes of September 20, 2017 with minor typo corrections

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

### **New Application**

Schedule for January 3, 2018

### **Discussion:**

Mr. Johnston distributed research material he put together on lot size vs special permit requirements.

Lake Sargent and Waite's Pond are located in the R1 or R2 zoning district, and Burncoat, Cedar Meadow and Stiles are located in SA. He explained SA required larger lots and larger setbacks as opposed to R1 or R2 districts which require smaller lots and setbacks.

He was asking the Board to consider proposing to the Planning Board an amendment Bylaw for lake properties. To allow for smaller setbacks or creating a separate zone for lake properties. All agreed to present this to the Planning Board for consideration.

Hearing no further comments or discussion, Mr. Hathaway asked for a motion.

MOTION: Mr. Kirwan to adjourn meeting

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

Meeting adjourned at 8:32PM

Respectfully submitted,

*Barbara Knox*

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