

ZONING BOARD OF APPEALS MEETING MINUTES

**June 20, 2018
61 Lakeview Drive**

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

Alternate members present: Mary Moore

Staff Present: Barbara Knox, Department Assistant

The meeting was called to order at 7:30PM

Jim Reinke questioned whether he should recuse himself. He did file a disclosure because he works in the same real estate office as Joanne Rose [one of the Applicants]. The Board agreed there was no ethic violation and that he could participate.

Mr. Hathaway went over hearing procedures and noted that there is a variance and a special permit application.

Jim Buckley read the public hearing notice, the application, and correspondence from the Building Inspector into the record, and described the plan submitted. The application is for for a 10' x 20' shed was submitted by Edward and Joanne Rose at 61 Lakeview Drive for a variance to allow a shed 2 feet from the side lot line and a special permit to allow a shed in the front yard.

Submitted into evidence: Registered Plot Plan, return receipts from certified mail to abutters, Correspondence received: memo from Board of Health

The Board of Health comment was that the shed should not be placed on a leach field.

Mr. Hathaway noted that all members present would be voting, including Mary Moore as Alternate, and asked the applicant to speak about the application and how it meets

The applicants, Edward and Joanne Rose were present.

Joanne Rose, 61 Lakeview, said that they live on a lake, so the lots are small. They need a place to keep their things. There's no room on the lake side and it's too close to the water. They'd need to go through the Conservation Commission if it were place on the lake side. In the front yard, the leach field is in the way. To avoid the leach field, it has to be close to the property line.

Mr. Hathaway asked the applicant to address how it wouldn't be detrimental to the neighbors.

Ms. Rose noted that they're going to use a good company to construct the shed. It most likely will have vinyl siding, windows, and a shingled roof.

Mr. Hathaway asked about hardship. Ms. Rose noted that they just don't have room for their things, such as a snowblower, mower, etc. They've contemplated moving because of the lack of space. We can't leave equipment in the yard. They don't want to move; they just need someplace to keep their things.

Ms. Moore asked if there will be a foundation. Ms. Rose said they're going to be putting in a stone pad (stone a bit larger than pea stone), then cement blocks. Ms. Moore asked if it was moveable. Ms. Rose said that they'll buy it from a company that will level and prepare the site and place it on site.

Mr. Buckley asked where equipment is now. Ms. Rose said it's in the yard, and they use a tarp to cover the snowblower. Mr. Buckley asked why does it have to be 10' x 20'? That seems kind of large. Ms. Rose said that if they put in a small one, it may fill quickly with stuff, and then they may have to come back and ask for another. She'd rather have just one that would fit everything. Because they live on a lake, they also have lake things, such as tubes, water skis, and fishing supplies.

Mr. Hathaway noted that the neighbor to the left, facing the lake, has a couple of sheds. So that would lend credence to statement that applicant could need another in the future.

Ms. Moore is confused because she didn't think you had to pull a permit unless it was over 144 square feet. Ms. Rose noted that the Building Inspector said it wouldn't need a building permit unless it was over 200 square feet, but it would still need ZBA approval because it was too close to the lot line and in the front yard.

Mr. Hathaway said he thought it was 100 square feet for a building permit, but he may be wrong. Ms. Rose said she'd double-checked, and they kept the shed under the limit so they wouldn't need a building permit. Mr. Hathaway agreed that it's more complicated for larger sheds, sometimes requiring a foundation.

Mr. Hathaway noted that the property is very narrow and very limited so he understands why the shed has to be close to the property line and in the front yard. He understands why the shed has to be located where it's proposed. In terms of hardship, that's usually the hardest to demonstrate, and mentioned the things the applicant had noted: that it doesn't look good to store things outside, it's hard on the machinery, and he would assume that it would also be a physical difficulty to unbury equipment.

Ms. Rose said that she doesn't want her yard to be looking like a dump. Leaving equipment under a tarp looks bad and the equipment deteriorates from being outside.

Ms. Moore asked how close to the leach field the shed would be. Ms. Rose said it's close to the leach field. Mr. Hathaway said there's not a lot of space; there's a driveway and a leach field in the way. There's not a lot of extra space to work with.

Mr. Rose noted that the shed clears the pipes, and it's not on top of the leach field. He said they have about 4 feet from last pipe to the edge of the property, and the same thing on the other side.

Mr. Hathaway noted that there is parking from the street to the house. The applicants said there are no pipes in that area.

Mr. Hathaway asked for clarification on the location of the shed. Mr. Rose said the shed will go where their boat trailer currently goes, and he's going to have to park his boat trailer down the road at a neighbor's property.

Mr. Buckley said he can see it's a hardship since they own a house and need someplace to store items to maintain the house. If they were asking to store things less critical to maintaining a house, it would be different. Also he said 10' x 20' isn't unreasonable to store a snowblower and lawn equipment.

Mr. Hathaway noted that he used to live in that area and his shed was 12' x 17' because he had a 16 foot canoe and he didn't have room for a 16' x 20' shed.

Mr. Hathaway opened discussion to members of the public.

Lori Wilkesman of Wildwood Lane said she had to get a permit to move her shed because it was installed on someone else's property.

Mr. Hathaway asked if her comments were related to the current application. She said yes, and that she doesn't want any additional structures interfering with her view of the lake. She discussed unspecified bullying, junk in the neighborhood, concerns with quality of construction of sheds, storage of campers, illegal septic systems, property disputes, etc.

Mr. Hathaway reminded Ms. Wilkesman that the hearing is only about the current application. The abutter said she brought a map to check if the proposed shed is going to block her view. Mr. Hathaway said that this hearing involves 61 Lakeview Drive only.

Mr. Reinke asked for Ms. Wilkesman address. She said 1 Wildwood Lane. Mr. Hathaway asked the petitioners about the height of the structure, assuming 1' footings. Will it be one story? The applicants said yes.

Mr. Orth said a shed would typically be around 8 feet, and if it's in front of the house, it will be shorter than the house. It wouldn't obstruct the view any more than the existing house.

Mr. Hathaway noted that visibility of the water will not be impacted by this project. He specifically looked at this issue. Ms. Wilkesman noted concerns about storage of materials on her property. Mr. Hathaway said that we've established that visibility of the water would not be affected by construction of this shed.

Ms. Rose noted that the only visibility is down their driveway.

Mr. Hathaway reiterated that the proposed shed would not impact the visibility of the water. Ms. Wilkesman said she wanted to check. She's concerned about the size of the shed.

Mr. Hathaway summarized. The shed is placed so that it won't impact the visibility of the water because it won't be taller than the house.

Ms. Rose noted that the water isn't visible in the area of the proposed shed now even without the shed.

Mr. Rose indicated that when he built his house he specifically asked the builder to plan a location that wouldn't obstruct views.

MOTION: Mr. Orth moved to grant the variance for the shed located at 61 Lakeview Drive at the location specified on the plot plan.

SECOND: Mr. Buckley. Discussion: None.

VOTE: All in favor

Ms. Wilkesman asked Mr. Hathaway if he checked specifically on the view from her property. He said he couldn't say if it stood in exactly in front of her property, but he stood in front of the house [at 61 Lakeview]. The abutter discussed family concerns and issues related and removal of trees and shrubs.

Finding of Facts:

Mr. Orth found that it specified the requirement of the bylaw for hardship as equipment would deteriorate being outside and that they'd have to replace equipment more frequently, and there isn't another suitable location based on the specifics of the property.

Ms. Moore said that she voted in favor of the variance for the shed because of the lay of the land, the size of the property, not being able to put over the leach field, and they felt that they had to move if they couldn't store their equipment, so that would be a loss and an expense.

Mr. Hathaway felt it met the requirements for granting a variance. The property was unique in that it was very narrow and there weren't many locations that you could use, so he felt that it meet the definition of being unique. He felt it was a hardship to store equipment needed to maintain the house outside. He also felt that it would not be a detriment to the neighborhood. He viewed the site, and he didn't see it was any more harmful than existing conditions.

Mr. Buckley voted in favor of the variance because he felt it was a unique property because of shape, he felt it was a hardship because of the need to store equipment, and he felt by granting it it wouldn't create a substantial hardship to the public good.

Mr. Reinke voted in favor because of the land and uniqueness of the property, it wouldn't be a detriment to the neighborhood, and the hardship is that equipment left outside would have to be replaced more often.

Mr. Hathaway went over the procedures after approval.

Mr. Hathaway then noted that he'd proceed with the special permit portion of the hearing, which is related to the shed being in between the front plane of the house and the street.

Ms. Rose said the placement of the shed in the front is necessitated by two things: 1) there's no room on the water side, and 2) we can't build on the water side within 100 feet of the water. Right now by putting it where proposed it's 106 feet from the water's edge, so we don't need Conservation Commission approval.

Mr. Buckley said that with these lake properties the frontage is on the street and that's considered the front yard, but it's more detrimental to have a shed on the water side.

Ms. Wilkesman asked how far structures have to be from the road. Mr. Hathaway said accessory structures have to be 10 feet from property lines.

Mr. Hathaway noted that special permits are easier than variances because they only have to determine that it's not detrimental to the neighborhood.

Motion: Mr. Orth moved to approve the special permit at 61 Lakeview Drive for the shed in front of the house.

SECOND: Mr. Reinke. Discussion: None

VOTE: All in favor.

Mr. Hathaway went over procedures again. After the appeal period is over, file the decision with the Registry of Deeds, then the applicant can obtain a building permit. There was some discussion back and forth on procedures.

MOTION: Mr. Reinke moved to close the hearing.

SECOND: Mr. Buckley

VOTE: All in favor

The hearing was closed at 8:08PM.

Approval of minutes

April 25, 2018, 875 Pleasant Street

MOTION: Jim Buckley moved to approve the minutes with corrections

SECOND: Jim Reinke. Discussion: None

VOTE: All in favor

Appointment of Regular Member

MOTION: Jim Reinke moved to appoint Mary Moore as a regular member of the ZBA

SECOND: Jim Buckley. Discussion: None

VOTE: All in favor

The meeting adjourned at 8:25PM

Respectfully submitted,

Michelle Buck, Town Planner