



Georgetown Zoning Board of Appeals

Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833

Phone (978) 352-5742 ♦ Fax (978) 352-5725

MINUTES OF A PUBLIC HEARING

ZBA File #16-02

52 Andover Street

Finding and Special Permit

October 6, 2015 immediately following first hearing at 7:30pm

Board Members Present:

Gina Thibeault, Chairman, regular member
Paul Shilhan, regular member
Jeff Moore, regular member
Dave Kapnis, regular member -absent
Sharon Freeman, regular member
Shawn Deane, associate member

Zoning Clerk: Patty Pitari

Applicants present: Tim & Maureen Colbert

Abutters present (signed in) – Donna Lee Clough, Nancy Clough of 48 Andover St., Ete Z. Szuts, 57 Andover Street, Harry Nelson, 62 Andover St.

Attorney Winner – Kopelman & Paige

G. Thibeault opened the Hearing at 9pm, and read the Rules of Procedure paragraph.

P. Shilhan read legal ad; A Public hearing will be held on October 6, 2015, immediately following the first scheduled hearing which begins at 7:30pm at the Georgetown Town Hall 3rd Fl. Meeting Room at for an application filed by Owner/Applicant Timothy B. and Maureen A. Colbert, for the property located at 52 Andover Street, Georgetown, MA, Assessor's Map 5A, Lot 16 in the RA zone. The Owner/Applicant requires a Finding and Special Permit pursuant to Georgetown Zoning Bylaws, Chapter 165, Sections 2, 9, 78, 79, 89 and 94 and M.G.L. 40A, Section 9, to build an addition to the rear of the existing dwelling, which encroaches on the setback in the RA zone, the proposed garage is 11 ft. from the side lot line where 15 ft. is required. The lot is a pre-existing nonconforming parcel with a pre-existing non-conforming structure. The lot has 99 ft. of frontage where 125 is required and the existing structure is located 6 ft. from the property line where 15 ft. is required. *ZBA File #16-02*

Chairman Gina Thibeault introduced the board members, and who is voting on this hearing.

J. Moore – Can you go through the existing conditions vs. the proposal.

Applicants Presentation:

Attorney Mitch Kroner with Tim & Maureen Colbert.

Kroner – Briefly they purchase property on 8/27/15, apologies, it was filed on the last possible day, thanks to Patty for her help. As you recall you did almost the same kind of permit next door at 56 Andover Street, it's undersized, they want to move it further away, there is a fence along the Clough's property line. On the 56

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Andover St. side it complies with zoning, the rear complies, its short on the frontage, and it's short on the front yard requirement, he want to move it away so that it is more conforming, there is a fence on the property line that my client owns, and he will repair that, I will let him explain.

Tim Colbert – Right now there is one bath on the first floor, and 2 rooms on the second floor so what I am proposing is to add the addition on the back and moving it away from the lot line, I think it will bring me to 11 feet, move it back from the back corner 3 ½ ft. The building I want to remove is an old structure with and old stone rubble not in good condition, the garage is on a cinder block foundation which is ok, but I am proposing to remove that and I want to put a poured foundation and build a new structure on that, I want to preserve the period/history of the structure, in saving the front of the existing house, adding bathrooms and bedroom, It's only 2 rooms upstairs.

Kroner – so he is extending it more toward the rear line by doing the 2 car garage, it goes to the rear and is conforming, the area to focus on is the East side of the property,(clough abutter side) is where it is different. The original house was built in 1840; you got a letter from historical commission stating it has no historical significance. A Letter was received in general correspondence from building inspector from historical commission, dated 9/18/15 stating the demolition request for the garage and rear extension has no historical significance there for the demo delay bylaw will not apply.

S. Freeman – So you're just keeping the front part. Tim – Yes.

Tim – Explains he is going 12 ft. closer to the rear of the property right now the existing one story part of home the breezeway if you will, there is a kitchen in it, I want to bring that back away from the lot line on the Cloughs side.

G. Thibeault – so the right elevation is going to be facing 56 Andover.

Tim Colbert – Yes.

Audience

Donna Clough, 48 Andover – I am where the property is closest to, their property is 6 ft. above mine, and now they want to add another story which will put my kitchen and my driveway in the shadow of my house, especially in the winter and I am concerned about the ice no melting and the light in the kitchen, I have a picture of the existing structure and proposing, I am glad they want to improve it, but not to go so high. Pictures were submitted as exhibits.

Kroner – We are still within the height limitation of 35 ft., it's just it's on a hill.

Tim – Maybe I can drop the roof a little more. I want the room above the garage, right now there are only 2 rooms upstairs, so with the addition there will be a hallway, laundry room, master bedroom over the garage.

S. Deane to abutter Donna Clough is your concern that ice will fall off the roof onto your property.

Nancy Clough, also 48 Andover – Not it will block the sun from our property.

Kroner – we also have an Email from Vanessa Traniello, owner of 56 Andover st, asking to email the plans of the property. And on 9/27/15 stating I am unable to attend the hearing I am writing to you to let you know I support the proposed additions/renovations to your home.

Gina reads email from Vanessa Traniello into record.

Donna Clough – Vanessa Traniello has never and does not intent to live in the house.

New Correspondence

Exhibits Marked by G. Thibeault

Exhibit A – Submitted explanation with application Provided in application (letter of explanation of proposal) *Applicant seeks to remove the one story addition and one car garage and replace them with a new two story addition and two car garage. The proposed two story addition and proposed garage will be located further from the west property line than the current structure, by approximately five (5) feet. Therefore, the addition and garage will be more conforming to zoning than the current addition and garage. The new construction will improve the appearance of the house and will be less detrimental than the existing pre-existing nonconforming use, by moving the addition slightly further away from the east property line. The addition will also keep the same roof height as the original house and will create a more aesthetically appealing home, while increasing the house from two bedrooms to four bedrooms. The two story addition will have the third bedroom and master bedroom on the second floor, above the new kitchen.*

The two car garage will also be an improvement to the property and will extend the structure closer to the rear property line by approximately 10.00 feet (from 56.7 feet to 46.3 feet).

The subject property, located in the Residential A (RA) District is pre-existing and non-conforming in that it has an area of 10,742 square feet of area where 15,000 square feet is required and frontage of 99.00 feet where 125 feet is required. There is a front setback of 13.4 feet where 20 feet is required. The property meets the minimum depth requirement, rear set back and one side set back (west side).

The original house dates back to approximately 1840 and is located close to the easterly bound of the property. The septic system passed Title 5 for four (4) bedrooms, and is located adjacent to the driveway toward the westerly bound. The Applicant purchased the house on August 27, 2015, and the house is in disrepair and was abandoned at time of purchase.

Applicant therefore requests a Finding/Special Permit to demolish the designated portion of the house and garage, and construct a new addition and two car garage.

Exhibit B - Proposed Plot Plan prepared by Summit Surveying Inc., 4 S. Pond St. Newburyport, MA 10950, and Survey dated April 20, 2015, and stamped 9-4-15 Charles J. Brennan, land surveyor

Exhibit C - Elevation Drawings by D.L. Kerr (Donna Kerr), P.O. Box 943, Littleton, NH, 03561 dated 9-4-15

Exhibit D - Second Floor plan by D.L. Kerr (Donna Kerr), P.O. Box 943, Littleton, NH, 03561 dated 9-4-15

Exhibit E – Existing second Floor plan by D.L. Kerr (Donna Kerr), P.O. Box 943, Littleton, NH, 03561 dated 9-4-15

Exhibit F –Existing First & Second Floor plan by D.L. Kerr (Donna Kerr), P.O. Box 943, Littleton, NH, 03561 dated 9-4-15

Exhibit G – Cross Section plan by D.L. Kerr (Donna Kerr), P.O. Box 943, Littleton, NH, 03561 dated 9-4-15

Exhibit H – Email from Vanessa Traniello, owner of 56 Andover st, asking to email the plans of the property. And on 9/27/15 stating I am unable to attend the hearing I am writing to you to let you know I support the proposed additions/renovations to your home.

Exhibit I – Existing picture from abutter from their property.

Exhibit J - Proposed drawing from abutter Clough

Questions from the Board

P. Shilhan – You don't have much back up space, it's a nice design, why the garage and house is not shaped as an L shape.

Tim – If I turned it snow plowing and you can turn around in front of the garage.

Shilhan – You have made an effort to lessen the non-conformity, which is nice and it's helping the abutters a bit more by pulling it back.

Tim – I could move the addition over probably 2 ft. if that would help

J. Moore – If you move it 4 ft. you would be conforming other than the fact that it's a non-conforming lot, you would need a special permit regardless.

Tim – I am willing to do that.

J. Moore – With the abutter's if there is another 4 feet it would help the abutters at 48 Andover. I have been in the home and it is small. The side view on the abutter's side view is not so great to look at. Can it not be salt box with a little dormer and maybe bump it in or out to break up that side a bit. Maybe slide it even 18 inches a roof return. This to me just looks like an addition to an old home, and generally when we issue these it's normally they are per plans submitted.

Tim – I can change it.

J. Moore talks about to maybe break up the side the abutters are looking at, and also think of turning it.

Kroner – I think moving it the 4 ft... Tim – I believe we could get a good 3 ft.

Tim – I can drop the roof line another foot. The second floor, he shows on plan.

Kroner – It will be an improvement it has been abandoned for some years, he will also repair the fence between the Cloughs. Does it have to be per plan submitted?

Discussion on plans being revised.

P. Shilhan – I agree the shadowing or the sun, and that being so close to their driveway, it could soften it moving 4 ft. and putting a hedge, if you make an effort. I would like to see a condition with a hedge there.

Clough – We are fine with the fence.

Gina – Maybe do plans to be submitted. Patty – I don't know with a different inspector if that would work.

Tim – I can pull the addition over.

Gina – We could approve these plans so you can start.

Discussion follows on options to change plans.

Kroner – If he agrees to move it 2ft, does he have to come back?

Gina we could approve these, then come back with a modification.

J. Moore – But the footprint is changing. I don't know if you can get that 4 ft.

Tim – I can agree to the 2 ft.

P. Shilhan – so the middle comes forward and the garage stays.

J. Moore – If that roof line can mimic the front, I think it would look like an old small house.

Tim – I was going to make the Gambrel look like a barn.

J. Moore – do you want to sketch out what you want to do, and come back for approval.

Discussion on what to move and the setbacks.

J. Moore the setback will be 7.7 regardless. We can ask you to come back.

J. Moore – We need to find the first non-conformity it's undersized lot, where 15 is require

J. Moore – We could look at a proposed footprint, the 7.7 ft. will not change, and come back with the new architectural plans.

Gina – Once we issue the permit that's it they have a permit.

If you approve one thing, and it doesn't match he could sent it back to you.

J. Moore – Can we approve the foundation plan and demo, but not allow any further

Attorney Winner -They can't go with this decision and pull a building permit, that would result in a need to come back, how can you determine, it based on a plan you have not seen. But if come back for modification could send them back to see the new plans. It could right back to you and lose more time.

Sharon given the current plans, what can you do given with what we have, I can maybe change the roof line.

Gina we could continue to November with new plans.

Ete Szutsl, 57 Andover, Abutter – A suggestion there are 4 nonconformities, I think 2 of them can be resolved now, the and next time will be faster

J. Moore there are the 4 findings, that's not the problem the one nonconformity that's left.

Sharon asks about timeline and building inspector.

Winner – They have their statutory requirements.

Patty – The building inspector has these plans, and when I give him the decision I give him the approved plans.

Motion to go beyond the 10pm rule moved by J. Moore /Shilhan, all in favor, motion carries.

J. Moore – Can we grant them a special permit for foundation plan, and return to the board with final architectural plans, what is the risk to the board.

Winner – It will be another hearing and another vote. They still need to come back with new plans to get a building permit.

Kroner – If we continue to November, with new plans. Gina – Yes.

J. Moore – We can do a straw poll, for next time, I think this would be less detrimental, I would support it with the proposed design.

Gina to Sharon do you feel you could support if we continue and they come back.

Sharon – absolutely.

The board doesn't see an issue, with the revised plan we have discussed

Gina I don't see the board having an issue if you come back.

Kroner the cleanest way is to continue and come back.

J. Moore – Lower the roof, move it further away from the lot line, leave garage.

Applicant asked if he can come back sooner than November 3rd.

Sharon stated what if we do a hearing sooner, what October 20th. Patty –with a continuance don't need a legal ad.

S. Deane – I will not be able to attend, I will be out of town.

The other board members did not have an issue.

Gina Thibeault stated to applicant so you will only have 4 board members, is that ok with you. Is that ok and will your plans be ready?

Tim – I don't have an issue.

Motion - by J. Moore/P. Shilhan to Continue 52 Andover Street to October 20, 2015 at 7:30pm. Location to TBD, all I favor, motion carried.

Patty Pitari
Zoning Administrative Assistant

Approved

12/1/15

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