



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 20, 2015 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 - Voting

Zoning Clerk: Patty Pitari

Applicants present: Tim & Maureen Colbert

Abutters present – Donna Lee Clough, Nancy Clough of 48 Andover St.

G. Thibeault opened the Continued Hearing for 52 Andover Street continued from October 6, 2015 at 7:35pm, introduced the board members.

Gina read into record and marked as;

Exhibit A – Provided in application (letter of explanation of proposal)

Exhibit B Revised- Proposed Plot Plan prepared by Summit Surveying Inc., 4 S. Pond St. Newburyport, MA 10950, and Survey **Revised dated 10-13-15** by Charles J. Brennan, land surveyor

Exhibit C Revised - Elevation Drawings by D.L. Kerr (Donna Kerr), P.O. Box 943, Littleton, NH, 03561 dated **10-13-15**

Exhibit D Revised – Existing and Proposed First Floor plan by D.L. Kerr (Donna Kerr), P.O. Box 943, Littleton, NH, 03561 dated **10/9/15**

Exhibit E- Revised – Existing and proposed second Floor plan by D.L. Kerr (Donna Kerr), P.O. Box 943, Littleton, NH, 03561 dated **10-9-15**

Applicants Presentation:

Tim & Maureen Colbert – We moved the addition another 2 feet, we left the 3 car garage where it was on the original plan, so last time it was 12 ft. so the existing structure is 6 ft. from the lot line, so we are going from 6 ft. to 13 ft. We have added a step between the garage and the addition to help get rid of that long wall facing the Cloughs house.

J. Moore – So the 13 ft. to the breezeway we can call it, or the middle section of the addition, is not noted on the plans, and garage is 11 ft. in the rear and existing home is now 7ft. 7", so the closest point is 6 ft., now 7ft. 7 inches.

P. Shilhan – Did you have a chance to lower the roof between those two structures, or is that not going to work for you. Drop it maybe 18 inches.

Tim – The architect said it could complicate things, but I could probably drop it 1 ft.

J. Moore – Can you draw on line on the rear elevation plan, since it's not here, put a notation on the ridge height.

Gina – If you say lower approx... 12 inches in the field and verify in field

P. Shilhan – It's a great improvement to the neighborhood to take that house so much nicer.

Tim – Marked Exhibit C the elevation page "lower ridge between garage and house approx... 12" plus or minus, verify in field.

Audience – No comments.

Board Discussion

S. Freeman – So the septic leaching field is ok, as it is.

Tim – Yes.

P. Shilhan - I am good.

J. Moore – We have to identified at the last meeting, the existing nonconforming I we found 4 nonconformities, the frontage, side setback, undersized lot, and front setback, are all preexisting nonconformities, we have to determine if the change creates a new nonconformity, I would say it doesn't it simply change one of the existing nonconformities being the side setback so it would not require a variance. It would be a finding and special permit. Unless the board feels it does.

J. Moore and find the change is not more substantially detrimental.

G. Thibeault – I think it is less detrimental, it looks better the elevation is better; it looked like a lot of roof before.

G. Thibeault – The audience had a chance to view the plans.

J. Moore – If we find that the extension of the structural change it may not need special permit, but I think we should do it. So technically we don't need one, we are adding a change to one part of the plan Exhibit C.

Gina I would put verify in field, approx... 12 ft.

Discussion on special permit wording followed.

P. Shilhan – They are extending the nonconformity with the garage.

P. Shilhan – I would be safe and do the special permit.

J. Moore – There are many ways to word it.

The board took a brief Recess at 8:05pm.

The board returns from recess at 8:13pm.

J. Moore – It could be determined that the change increases the nonconformity nature of the structure, but that is not substantially more detrimental, I would argue that it that it doesn't increase it but it could go either way, we can either discuss it or go to the conclusion that regardless that it's not substantially more detrimental, then we can just grant a special permit.

P. Shilhan – I believe that is true.

S. Freeman and Shawn agreed.

MOTION – J. Moore/S. Deane, I move the Board find that the Existing dwelling at 52 Andover Street Owned by Timothy B. & Maureen A. Colbert, Assessor's Map 5A, Lot 16, in the RA zone is a lot is a pre-existing nonconforming parcel with a pre-existing non-conforming structure, the existing lot is 10,742 sq. ft. where 15,000 sq. ft. is required, The lot has 99 ft. of frontage where 125 is required and the existing structure is located 13.4 ft. from the front of the property line where 20 ft. is required, and the existing structure is located 6 ft. from the side property line where 15 is required.

I further move that the Board find that the proposed addition to the rear and the side of the property, may increase the nonconforming nature of the structure but the addition is not substantially more detrimental than the existing non-conforming structure to the neighborhood per the Georgetown Zoning Bylaw sections, 9, 78, 79, 89 and 94 and therefore requires a Special Permit and;

Special Permit

I move that the Board grant a Special permit under MGL 40A Section 9 and the Georgetown Zoning Bylaw Chapter 165 Sections, 9, 78, 79 and 94 to Owner/Applicant 52 Andover Street Timothy B. & Maureen A. Colbert, owners of 52 Andover Street, Georgetown, MA, Assessor's Map 5A, Lot 16, for the proposed addition and garage to the side and rear of the property per the plans marked as Exhibits B-E.

J. Moore - I further move the Board find the proposed addition met the prerequisites of the Georgetown Zoning Bylaw Chapter 165-79 (a-d) being;

- a. The application is desirable to the public convenience or welfare;
- b. Will not overload any public water or other municipal services so as to unduly subject any area to hazards affecting health, safety or the general welfare;
- c. Will not impair the integrity or character of the district or adjoining districts;
- d. Will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

Vote – Seconded by S. Deane, G. Thibeault all in favor, yes, carried unanimously 5-0. Granted.

J. Moore states The Zoning clerk has 14 days to file a decision and any appeal of this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days after the date the notice of decision was filed with the Town Clerk. An applicant may file this decision before the 20 days but does so at their own risk.

J. Moore reads: Lapse of Special Permit - Per M.G.L. 40A §9, Special Permits granted shall lapse within a specified period of time, not more than two years, which shall not include such time required to pursue or await the determination of an appeal referred to in Section 17, if a substantial use thereof or construction has not commenced, unless upon timely application this Board finds good cause to extend such period.

Motion – S. Deane/J. Moore to close the hearing for 52 Andover St., all in favor – yes, no discussion.
Motion carried unanimously 5-0.

Patty Pitari
Zoning Administrative Assistant

Approved 12/1/15