



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 #19-03

Special Permit – In-ground Pool 34 Pillsbury Lane, Georgetown MA November 13, 2018 at 7:30pm

Board Members Present:

Shawn Deane, Chairman, regular member - Absent
Jeff Moore, regular member - Will be Acting Chairman
Paul Shilhan, regular member
Dave Kapnis, regular member
Gina Thibeault, regular member
Sharon Freeman, associate member
David Twiss, associate member - Absent

Zoning Clerk: Patty Pitari

Applicant (s) present: Eric Buxton

*Note Board Member are referenced by their initials

Acting Chairman Jeff Moore opened the hearing at 7:31pm, and introduced the board members.

PS read legal ad;

A Public Hearing will be held on November 13, 2018, at 7:30pm at the Georgetown Town all 3rd Fl. Meeting Room, for an application filed by Eric & Maureen Buxton of 34 Pillsbury Lane, Georgetown MA, 01833, in the RB district and identified on Assessor's Map 11, Lot 23X. The applicant requests a Special Permit under; M.G. L. Chapter 40A, § 9, & the Georgetown Zoning bylaws, Chapter 165 § 9, 10.1, 74-79, to place an in-ground pool 50% closer to the side lot line than allowed in RB zone. Chapter 165- § 10.1 allows side & rear setback reductions by 50% for one accessory structure. Also found on the website for: MA Newspaper Publishers Association (MNPA) masspublicnotices.org. ZBA File #19-03.

Applicants Presentation:

Eric Buxton the applicant stated he would like to install a 22x26 ft. in-ground swimming pool, 17.1 ft. to the side lot line where 20 is required, and the part of the bylaw for buildings and pools, explained to him by building inspector, he could go 50% closer to side or rear lot line, if you're looking at house it's the right side.

E. Buxton - In order to stay away from the septic system and tank, we are pushing 2 ft. to side, I think we moved it an extra foot just to stay away from the leach field and just in case the as-built is off, better safe than sorry, we are 2.9 ft. closer, we could probably go to 18 ft. but we wanted to keep it an extra ft. away, it has to be 20 ft. from leach field, we went 21 ft. in case.

JM – Your set as far as the front of house per section of 165-10.1 B. set back from street line no less than 8 ft. behind the front plane of the principal building, this in not.

New Correspondence

* Letter from Trisha & Mike Muller of 37 Pillsbury Lane in favor, JM read into record.

* Plan - Exhibit A – Plot Plan by Donohoe Survey, Inc., Topsfield MA , stamped by Paul J. Donohoe 8/21/18

DK – You did a good job keeping away from the septic.

J. Moore asked if they were putting in as the plot plan shows of if this is just a pool design.

E. Buxton – No this is the plan we are using, we will be building as plan states, we actually down sized it, from the first plan.

JM as long as you meet the setbacks your good, but you can't add another accessory building that goes within your setback, as you are only allowed on accessory building or pool per lot to go 50% closer.

J. Moore explains part of Chapter 165- § 10.1 allows side & rear setback reductions by 50% for one accessory structure.

E. Buxton – We tried to elbow it around the leach field, but we couldn't get it to fit.

Brief discussion followed.

Motion by DK/PS to grant a Special Permit to Eric & Maureen Buxton of 34 Pillsbury Lane in the RB district, Map 11, Lot 23X; to construct an in-ground pool closer to the side lot line at 17.1 ft., where 20 ft. is required pursuant to M.G. L. Chapter 40A, Section 9 of the State Code and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 10.1, 74- 79, specifically Chapter 165-10.1 that allows setback reductions by 50% for accessory buildings and pools.

DK - I further move the Board find that the Special Permit application meets the requirements of 165-79 (a-d); being the application is desirable to the public convenience or welfare; 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; will not impair the integrity or character of the district or adjoining districts; and, will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

Vote

SF – yes, GT – yes, DK – yes, PS – yes, and JM – yes.

Granted unanimously 5-0.

J. Moore stated the Zoning Administrative Assistant has 14 days to file a decision 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 read; 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 has not sooner commenced except for good cause, or in the case of permit for construction, if construction has not begun during that time period.

Motion - DK/PS to close the hearing for 34 Pillsbury Lane, all in favor – yes, no discussion. Motion carried.

Motion to adjourn DK/PS all in favor, yes. Meeting adjourned.

Patty Pitari
Zoning Administrative Assistant

Approved 1-8-19