

BOARD OF
ZONING AND BUILDING LAW APPEALS
PEMBROKE, MASSACHUSETTS
02359

Case #13-17

September 13, 2017

The members of the Zoning Board of Appeals hereby certify that the following is a detailed record of all the Board's proceedings regarding the petition of Jonathan Mann 61 Valley Street, Pembroke,, regarding property located at 61 Valley Street, as shown on Assessors' Map E-5, Lot 14B, said property owned by Jonathan Mann, which is the property affected by this requested special permit and variance.

The petition to the Board is dated June 15, 2017. The petition requests a special permit and a variance as per Sec. IV, 1. B. 4. Uses Allowed by Special Permit and Sec. IV, 1. D. 3. Side Yard Requirements of the Zoning By-Laws of the Town of Pembroke for the construction of an attached two-car garage with an in-law apartment above. A true copy will be retained in the file.

A notice of the public hearing on this petition will be retained in the file. It was published in the Pembroke Mariner and Express, a newspaper of general circulation in the Town of Pembroke on July 7, 2017 and July 14, 2016, posted in a conspicuous place in the Town Hall and mailed on July 10, 2016 to abutters whose property is located within 300 feet of the property line of the property in question. The notice was mailed to the names of the persons at the addresses as provided by the most recent tax list kept by the Town Assessor.

The public hearings on this petition was held on Monday, July 24, 2017 at 7:30 p.m. and Monday, August 28, 2017 at 7:00 p.m. the Pembroke Town Hall Hearing Room at which time opportunity was given to all those interested to be heard in favor or opposition to said petition. The following members of the Board were present at the hearing: Rick Casavant, Vice Chairman, James Gallagher, Clerk and Christine Griffin, Alternate. The tape recording of the hearing is attached to the file and a copy of the tape will be provided upon request.

July 24, 2017 at 7:30 p.m.

Casavant: Opens hearing by reading notice as it appeared in the Pembroke Mariner and Express and notes that petitioner is not present and a phone call had been made and that a representative would be here no later than 8:00 p.m.

Therefore, I make a motion to continue this hearing to 8:00 p.m.

Gallagher: Second.

Casavant: All in favor.

\Griffin: Aye.

Gallagher: Aye.

Casavant: Aye.

Motion carried.

Hearing continued to 8:00 p.m.

July 24, 2017 at 8:00 p.m.

Casavant: Re-opens the hearing and turns floor over to petitioner's father.
Mr. Mann: He's not here as he never went to the post office for the certified mail as he's working two jobs to get things done.
You may remember that one of the problems thus far was that when he had the drawing done showing the 800 sf in-law apartment we did not include the stairs to the apartment in the square footage. So, now the drawing has to be refigured to include the stairs.

Casavant: Why don't you explain what you want to do.
Mr. Mann: The addition will be 1.5 feet less than the variance requested and new drawings will be drawn.

Gallagher: What is the size of the in-law?
Mr. Mann: It will be under 800 square feet.
Dowling: By the same token can we keep it 10 feet from the property line?
Mr. Mann: If 10 feet is the magic-number, then we can keep it 10 feet from the property line.

I have the plans of what it will look like if you'd like to see them.
Dowling: If he stays under 800 square feet and brings it no closer than 10 feet from the side of line and presents us with a drawing showing such.

Mr. Mann: A new drawing is being prepared.
Gallagher: Why not put the in-law on the other side of the property?
Mr. Mann: He's thinking of putting a pool there later.
Duchini: We have a few questions as this addition would bring the structure much closer to our property and also infringe on our privacy. His son is a good neighbor, but our privacy is important to us.


Gallagher: How far from the property line is your house?
Duchini: There's a driveway, deck and then our house. I really don't know the footage. Our house is about 40 feet away from the property line.

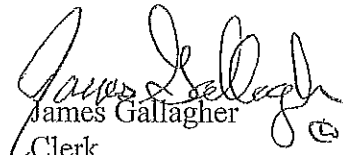
Gallagher: You wouldn't consider putting it on the other side of the house?
Mr. Mann: Everything would have to be changed and redone at considerable expense.

Dowling: It could go on the other end and everyone would have privacy.
Casavant: Considering the abutters concern and that there is other space to put the in-law, I'd like to see if he could come up with another idea.

Dowling: We could continue this to our next meeting.
Casavant: I'm inclined to listen to the abutter and say no considering there is other space to put the in-law and not need a variance.
Mr. Mann: I'll talk to my son and see if we can do something.

Dowling: Lets continue this to August 28th at 7:00 p.m.
Casavant: Motion so made.
Griffin: Second.
Casavant: All in favor.
Gallagher: Aye.
Griffin: Aye.
Casavant: Aye.
Motion carred.
Hearing adjourned


Frederick Casavant
Vice Chairman


James Gallagher
Clerk


Christine Griffin
Alternate

Case #13-17 Jonathan Mann – Minutes of August 28, 2017 Meeting.

Casavant: Re-opens the hearing of Case #13-17 of Jonathan Mann continued from July 24, 2017.

Mann: I'm Jonathan Mann and I'm requesting a special permit and a variance to construct an in-law apartment for my parents to live in when they're not in Florida. We had plans drawn up which due to a misunderstanding we've had to cut down, so that now its 798 square feet with a deck on the back and we will put up a fence and bushes along the property line.

Casavant: It's still the same plan as submitted?

Mann: Yes, but we reduced it by 1-1/2 feet on that side to bring it under 800 square feet.

Casavant: So how does that change the variance?

Dowling: 10 feet on the variance and the special permit on the in-law will be 798 square feet.

Duchini: We're the most concerned abutters, and our position is the same as they were at the previous meeting.

Casavant: Your position is the same as the last time.

The Board have any questions?

Griffin: No.

Gallagher: What I was asking at the last meeting is why are you putting the addition on that side of the house where on

the other side of the house you could put the addition and not need a variance.

Mann: In the future I hope to put a pool on that side of the house and for privacy of both parties its better with them on that side.

Gallagher: To do that you'd have to put in another driveway.

Mann: Yes.

Gallagher: And where would you put that? You'd have to do another road cut.

I sort of feel for your abutters as I had a neighbor whose lights from his car always came into my house. You said tonight about putting up a fence, what kind?

Mann: A six foot stockade with arborvitae.

Gallagher: I'm really against the location of this project. I'd like to see you get an in-law for your father and I read your letter, but I also agreed with your neighbor about the location. I don't agree with the location. You have the other side of the house.

Casavant: Christine, anything else?

Griffin: I can't really add to that.

Casavannt: At the last meeting we all agreed that this asked for a lot of relief and with the neighbors' position and with the ability to put it in an alternate area where you wouldn't need the variance and there wouldn't be an issue

with the neighbors. I appreciate your letter, but I'm inclined to deny this application for those reasons.

Griffin: I'm of the same kind of theory and the future possibility of a pool would not be justification for the variance.

Casavant: If you would like to change the plan, well give you a continuance to do so.

Mann: I'd like to request a withdrawal of my petition.

Casavant: Is the Board in agreement.

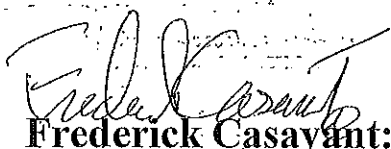
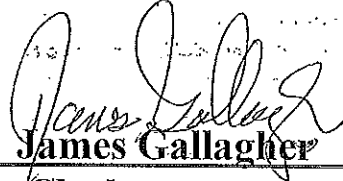
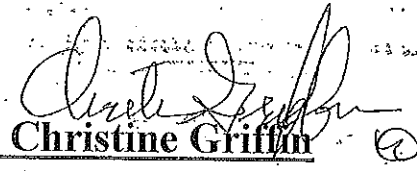
Griffin: Aye.

Gallagher: Aye.

Casavant: Aye.

Motion carried.

Hearing adjourned.

		
<u>Frederick Casavant:</u>	<u>James Gallagher</u>	<u>Christine Griffin</u>
<u>Vice Chairman</u>	<u>Clerk</u>	<u>Alternate</u>