

ZONING AND BUILDING LAW APPEALS
PEMBROKE, MASSACHUSETTS
02359

Case #18-17

September 26, 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 Susan and Neil Avedissian regarding property located at 43 Bluejay Way, Pembroke as shown on Assessors' Map E-5, Lot 109, said property owned by Susan and Neil Avedissian, which is the property affected by this request for a variance.

The petition to the Board is dated July 28, 2017. The petition requests a variance of the Zoning By-Laws of the Town of Pembroke. Sec. IV, 1. D. 3. Side Yard Requirements to install a pool twelve feet from their side lot line. 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 August 11, 2017 and August 18, 2017, posted in a conspicuous place in the Town Hall and mailed on August 14, 2017 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 hearing on this petition was advertised to be held on August 28, 2017 at 8:00 p.m. at 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: Frederick 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.

Monday, August 28, 2017 at 8:00 p.m.

Casavant: Opens meeting by reading the notice which appeared in the Pembroke Mariner and Express and turns the floor over to the petitioners for explanation.

S.Avedissian: We want to put a pool in and to do so it would have to be twelve feet from the side lot line and the setback is twenty feet.

Casavant: What are they looking for?

Dowling: An eight foot variance and they want it there as it would be the most convenient spot.

S.Avedissian: It wouldn't chop up our yard there and also gets the sun full day.

Dowling: There doesn't appear to be any abutters here.

J.VanDenToorn: Yes we are, we live at 35 Bluejay and are direct abutters.

Casavant: And what are your thoughts?

J.VanDenToorn: Our concern is protecting our property value taking into consideration the location of their home etc. on the lot and the potential noise this pool will produce. Also, there no fencing.

Gallagher: All pools have to be fenced in.

J.VanDenToorn: Not a privacy fence.

Dowling: Are there any shrubs along the property line?

B.VanDenToorn: There will be, we just bought some.

Dowling: If they move the pool in eight feet, they don't need a variance.

Gallagher: That would simplify things.

J.VanDenToorn: Why not put it on the other side where it wouldn't bother anyone?

S.Avedissian: Because I couldn't see if from the house.

B.VanDenToorn: I don't want it on that side.

J.VanDenToorn: We are all aware of the privacy issue between our two homes and we've had many discussions over it through the years.

B.VanDenToorn: We just don't want the pool twelve feet away from our property.

Casavant: Chris, any comment?

Griffin: No.

Casavant: Jim?

Gallagher: Why couldn't you move the pool eight feet so that it met the twenty foot setback?

B.VanDenToorn: Because it would break up our yard.

Dowling: For a variance you have to show a hardship that it couldn't be located any other place on your property.

B.VanDenToorn: What kind of hardship?

Dowling: A hardship to the land that it couldn't go any place else.

Casavant: I'm inclined to deny the variance, but if you and your neighbor want to talk and come to some agreement, we could continue this hearing to another meeting.

B.VanDenToorn: No thanks.

Dowling: Would you like to withdraw it?


B.VanDenToorn: You guys can vote on it.

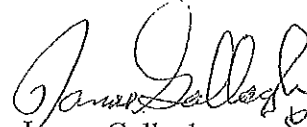
Casavant: Christine, want to make a motion.

Griffin: I make a motion to deny a variance of the Zoning By-Laws of the Zoning By-Laws of the Town of Pembroke Sec. IV, 1. D. 3. Side Yard Requirements to Susan and Neil Avedissian, for property located at 43 Bluejay Way as shown on the Assessors' Map E-5, Lot 109 to install an inground pool twelve feet from the side property line as the petitioners could not show any hardship to the land regarding the location of the pool.

Gallagher: Second.

Casavant: All in favor.
Griffin: Aye.
Gallagher: Aye.
Casavant: Aye.
Motion carried
Hearing adjourned.


Frederick Casavant
Vice Chairman


James Gallagher
Clerk


Christine Griffin
Alternate