

**ZONING AND BUILDING LAW APPEALS
PEMBROKE, MASSACHUSETTS
02359**

Case #03-17

May 17, 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 Gerald and Margaret Mullen, regarding property located at 35 Ridge Avenue, Pembroke as shown on Assessors' Map B-6, Lot 198, said property owned by Gerald and Margaret Mullen, which is the property affected by this request for a special permit.

The petition to the Board is dated April 4, 2017. The petition requests a special permit of the Zoning By-Laws of the Town of Pembroke, Sec. V, 5. Non-Conforming Property to raze the existing single-family dwelling and build a new single-family dwelling. 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 April 14, 2017 and April 21, 2017, posted in a conspicuous place in the Town Hall and mailed on April 17, 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 May 1, 2017 at 7:00 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, Member, James Gallagher, Member, 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.

MINUTES MAY 1, 2017 MEETING
GERALD AND MARGARET MULLEN
7:00 P.M. HEARING:

CASAVANT: OPENS HEARING BY READING NOTICE AS IT
APPEARED IN THE PEMBROKE MARINER AND
EXPRESS AND TURNS FLOOR OVER TO PETITIONERS'
REPRESENTATOVE, PAUL BROGNA OF SEACOAST
ENGINEERING.

BROGNA: INTRODUCES BOTH THE PETITIONERS, GERALD AND
MARGARET MULLEN TO THE BOARD NOTING THAT
THE THREE OF THEM HAD BEEN BEFORE THE BOARD
FIVE YEARS AGO FOR THE VERY SAME THING. AT
THAT TIME THEY RECEIVED AN ORDER OF
CONDITIONS FROM THE PEMBROKE CONSERVATION
COMMISSION AND A SPECIAL PERMIT FROM THE
ZONING BOARD AND NOTHING WAS DONE.
IT'S NOW FIVE YEARS LATER AND THE HOUSE HAS
DETRIOATED THAT MUCH MORE AND NEEDS TO BE
TAKEN DOWN AND REBUILT. THE PROPERTY ITSELF
IS ABOUT 18,800 SQUARE FEET. IS ABOUT A 35-38
FOOT DROP FROM RIDGE AVENUE ON THE HIGH
PORTION OF THE LOT DOWN TO THE POND.
BECAUSE OF THE NON-CONFORMITY OF THE LOT
ANY SORT OF RECONSTRUCTION OF THE HOUSE
REQUIRES A SPECIAL PERMIT. WENT TO THE
PEMBROKE CONSERVATION TWO WEEKS AGO AND
THE ORDER OF CONDITIONS WAS SIGNED AND
ISSUED LAST WEEK, AND WE'RE IN THE MIDST OF
THE TEN DAY APPEAL ZONE.

GALLAGHER: WHAT WERE THE CONDITIONS?

BROGNA: MOSTLY THE SILT SACK, EROSION BARRIER ON
THREE SIDES OF THE PROPERTY. THE DEMOLITION
WORK WILL PROBABLY HAVE TO BE COVERED AT
NIGHT TO PROTECT EVERYTHING FROM IT.
THE WAY THE HOUSE EXISTS WE HAVE ABOUT 2.7
FEET OF SIDELINE SETBACK ALONG THE WATER'S
EDGE WITH ONE SIDELINE AND ABOUT 17 FEET
FROM THE OTHER SIDE. THERE'S A 12 FOOT RIGHT
OF WAY ALONG THE NORTH SIDE OF THE PROPERTY
AND RESIDENTIAL LOTS TO THE SOUTH SIDE AS
WELL. THE EXISTING HOUSE IS ABOUT 918 SQUARE
FEET OF HOUSE, PLUS THE 180 SQUARE FEET OF
PORCH. THE PROPOSED HOUSE IS MORE
RECTANGULAR AND 944 SQUARE FEET PLUS 231
SQUARE FEET OF THE THREE SEASON PORCH. FROM
THE ARCHITECT'S DRAWING YOU CAN SEE THE

FOUR LEVELS OF THE PROPERTY, THE FRONT OF THE HOUSE ON THE EAST SIDE OF THE PROPERTY, THE RIGHT SIDE GOING DOWN THE HILL AND THE REAR SIDE FROM THE POND. SHOWS PICTURES OF THE HOUSE AND THE SURROUNDING AREA. THE EXISTING SIDE SETBACK IS 2.7 FEET AND THE NEW SIDE SETBACK WILL BE ABOUT 5 FEET. THE MULLENS WENT THRU THE BOARD OF HEALTH ON THE SEPTIC SYSTEM. WE'RE TRYING TO FIT THE HOUSE INTO THE CONTOURS AS MUCH AS POSSIBL DISCUSSION ENSUED AS TO THE RIGHT OF WAYS WITH ABUTTER, JOSEPH CHAHINE AND WHO OWNED THOSE RIGHT OF WAYS WITH NO DEFINITIVE ANSWER.

CASAVANT: PAUL, THIS NEW DWELLING WILL NOT BE MORE DETRIMENTAL TO THE NEIGHBORHOOD THAN THE EXISTING DWELLING?

BROGA: NO, IT'S LESS NON-CONFORMING THAN PRESENTLY AND WILL BE AN ASSET TO THE NEIGHBORHOOD.

CASAVANT: JIM, DO YOU HAVE ANYTHIG ELSE?

GALLAGHER: I JUST NOTICED THAT YOU'RE GOING TO RELOCATE THE UTILITIES.

BROGNA: THEY WILL ALL BE PUT UNDERGROUND.

CASAVANT: IF THERE'S NOTHING ELSE, DO I HEAR A MOTION?

GALLAGHER: I MAKE A MOTION TO GRANT A SPECIAL PERMIT OF THE ZONING BY-LAWS OF THE TOWN OF PEMBROKE, SEC. V, 5. NON-CONFORMING PROPERTY TO GERALD AND MARGARET MULLEN FOR PROPERTY LOCATED AT 35 RIDGE AVENUE, PEMBROKE AS SHOWN ON ASSESSORS MAP B-6, LOT 198 TO RAZE THE EXISTING SINGLE-FAMILY DWELLING AND CONSTRUCT A NEW SINGLE-FAMILY DWELLING AS SHOWN ON THE DRAWING SUBMITTED, DATED MARCH 29, 1997.

GRIFFIN: SECOND.

CASAVANT: ALL IN FAVOR.


GALLAGHER: AYE.

GRIFFIN: AYE.

CASSAVANT: AYE.

MOTION CARRIED

HEARING ADJURNED.


FREDERICK CASAVANT JAMES GALLAGHER CHRISTINE GRIFFIN