

BOARD OF
ZONING AND BUILDING LAW APPEALS
PEMBROKE, MASSACHUSETTS
02359

Case #31-17

February 9, 2018

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 David and Mary Lee regarding property located at 7 Lantern Lane, Pembroke as shown on Assessors' Map A-5, Lot 293, said property owned by David and Mary Lee which is the property affected by this request for this variance.

The petition to the Board is dated November 9, 2017. The petition requests a variance of the Zoning By-Laws of the Town of Pembroke, Sec. IV, 1. D. 3. Side Yard Requirements For an existing shed located less than twenty feet from the side property 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 December 22, 2017 and December 29, 2017, posted in a conspicuous place in the Town Hall and mailed on December 22, 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 January 8, 2018, at 7:20 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: Rick Casavant, Vice Chairman, Jim 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.

At the meeting of the Board on January 8, 2018, the Board voted unanimously to approve the variance..

Monday, January 8, 2018 at 7:20 p.m.

Casavant:	Opens hearing by reading notice as it appeared in the Pembroke Mariner & Express and turns the floor over to the petitioner for presentation.
M. Lee:	We have an existing shed that we had built in our front yard. When we looked it up on the Town web site we misunderstood that

we needed to have a setback. As the shed has been built, we are seeking a variance.

Casavant: How far is it from the property line?

M.Lee: About four feet.

D. Lee: The land is narrow at this location as the lot is a port chop lot.

Gallagher: Who owns the fence behind the shed?

M.Lee: Not us.

Casavant: Is there anyone here in favor or against this?

(No response)

Griffin: I believe it to be a substantial hardship to the petitioner to change it.

Casavant: Have you heard from your neighbors on this?

M.Lee: The neighbors are all for it except for the one woman who called the zoning agent on it

Casavant: And she's not here tonight.

If it wasn't on a cement slab, I'd say move it, but it is on a cement slab.

Casavant: What does the Board think?

Gallagher: I say leave it.

Griffin: I'd allow it for the reasons in A and B.

Casavant: How about a motion.

Griffin: I make a motion to grant a variance of the Zoning By-Laws of the Town of Pembroke, Sec. IV, 1. D. 3. Side Yard Requirements to David and Mary Lee for property located at 7 Lantern Lane, Pembroke as shown on Assessors' Map A-5, Lot 293 for an existing shed located less than twenty feet from the side property line. The plan submitted with the application shows the shed to be approximately four feet from the property line for the reasons relating to the topography of the land especially affecting such structures. A literal enforcement of the provisions would involve substantial hardship to the petitioner and relief can be granted without substantial detriment to the public good.

Gallagher: Second.

Casavant: All in favor.


Gallagher: Aye.


Griffin: Aye.

Casavant: Aye.

Motion carried.

Hearing adjourned.


 Frederick Casavant
 Vice Chairman


 James Gallagher
 Clerk


 Christine Griffin
 Alternate