

BOARD OF  
ZONING AND BUILDING LAW APPEALS  
PEMBROKE, MASSACHUSETTS  
02359

Case #06-17

May 25, 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 Regina and Michael Doyle, regarding property located at 6 Ridge Avenue, Pembroke as shown on Assessors' Map B-7, Lot 142, Book 9260, Page 278 said property owned by Regina and Michael Doyle, which is the property affected by this special permit.

The petition to the Board is dated April 4, 2017. The original petition requests a special permit of the Zoning By-laws of the Town of Pembroke, Sec. IV, 1. B. 4. Uses Allowed by Special Permit with a variance of Sec. IV, 1. B. 4. c. Uses Allowed by Special Permit to convert to an attached in-law apartment to the existing single-family residence. A true copy of the petition will be retained in the file.

A notice of the public hearing on this special permit petition will be retained in the file. It was published in the PEMBROKE MARINER & 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, 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 persons at the addresses as provided by the most recent tax list kept by the Town Assessor.

The public hearings on this special permit petition was held on Monday, May 1, 2017 and Monday, May 22, 2017 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.

At the meeting of the Board on May 22, 2017, the Board voted unanimously to approve the special permit with a variance with conditions.

MINUTES MAY 1, 2017 MEETING  
REGINA AND MICHAEL DOYLE  
7:45 P.M.

CASAVANT: OPENS HEARING BY READING NOTICE AS IT APPEARED IN THE PEMBROKE MARINER AND EXPRESS AND TURNS FLOOR OVER TO THE PETITIONERS FOR PRESENTATION.

REGINA D.: WE PURCHASED THIS TWO-FAMILY HOME THIRTY YEARS AGO. AT SOME POINT WHEN OUR CHILDREN WERE TEENAGERS WE CUT A HOLE IN THE FLOOR, INSTALLED A SPIRAL STAIRCASE, BOXED OFF THE KITCHEN AND MADE SOME SHELVES BACK IN 2002. MY SON IS IN THE PROCESS OF BUYING THE HOUSE AND WHEN WE WENT TO DO THE APPRAISAL AND CAME TO TOWN HALL WE WERE TOLD THAT IT IS NO LONGER A TWO-FAMILY, IT IS A ONE-FAMILY. NOW I'M LIVING IN THE FIRST FLOOR. IT WAS CONVERTED BACK TO A TWO-FAMILY BACK IN 2005, UNBEKNOWNST TO ME THAT THE TOWN HAD CHANGED IT TO A ONE FAMILY. WE'RE NOW TRYING TO KEEP THE APARTMENT DOWNSTAIRS AS A LIVING UNIT.

DOWLING: IS IT 800 SQUARE FEET OR LESS?

REGINA D.: HONESTLY, I REALLY DON'T KNOW.

DOWLING: THE INLAW BYLAW RESTRICTS THE UNIT TO 800 SQUARE FEET OR LESS.

CASAVANT: WE TYPICALLY DO NOT HAVE A PROBLEM GRANTING THE SPECIAL PERMIT, BUT IT MUST MEET THE CONDITIONS STATED IN THE BYLAWS.

MICHAEL D.: IT'S CLOSE TO THE 800 SQUARE FEET.

DOWLING: AS THE DEED SAYS IT WAS A TWO-FAMILY, WHICH YOU MADE A SINGLE FAMILY AND THE ASSESSORS OFFICE SAW ON A REVALUATION PROCESS AND CHANGED THEIR RECORDS, BUT AT A LATER DATE YOU CAN'T TURN IT BACK TO A TWO-FAMILY AS TODAYS BYLAWS DO NOT ALLOW TWO-FAMILY HOMES AND YOUR ONLY OPTION IS AN INLAW UNIT WHICH HAS CONDITIONS.

CASAVANT: THE ONLY ISSUE WE HAVE IS WE NEED TO KNOW AN ACCURATE SQUARE FOOTAGE TO TIE THE DECISION TO. YOU NEED TO GIVE US A DRAWING DESIGNATING THE LAYOUT OF THE UNIT AND AN SQUARE FOOTAGE OF THE UNIT .

MICHAEL D.: I'M TRYING TO BUY THE HOUSE AND I NEED EVERYTHING TO BE THERE TO ACCOMPLISH THAT.

CASAVANT: I THINK IT BEST TO CONTINUE THIS HEARING AND THEY BRING US A DRAWING SHOWING THE LAYOUT AND THE TOTAL SQUARE FOOTAGE.

DOWLING: OUR NEXT MEETING IS MAY 22<sup>ND</sup>. WE COULD CONTINUE IT TO THEN.

GALLAGHER: I AGREE AS I WOULD LIKE TO SEE A MORE DEFINED DRAWING.

MICHAEL D: ON A TIMETABLE FOR WORKING WITH THE BANK, WHAT WOULD THAT MEAN.

DOWLING: IF A DECISION IS MADE ON THE 22<sup>ND</sup>, I HAVE TO WRITE A DECISION, ALSO THE MINUTES OF THE TWO HEARINGS, FILE IT WITH THE TOWN CLERK AND THEN THERE'S A 21 DAY APPEAL PERIOD AFTER WHICH YOU'LL GET A LETTER OF NO APPEAL WHICH YOU WILL TAKE WITH THE DECISION AND RECORD WITH THE REGISTRY OF DEEDS AND YOUR DONE.

CASAVANT: SO WE'LL CONTINUE THIS MATTER TO MONDAY, MAY 22<sup>ND</sup> AT 7:30 P.M.

MINUTES MAY 22, 2017 MEETING  
REGINA AND MICHAEL DOYLE.

CASAVANT: REOPENS THE HEARING NOTING THAT THE PETITIONERS HAD SUBMITTED MORE DEFINITIONS TO THE DRAWINGS AND THAT THE TOTAL SQUARE FOOTAGE HAD BEEN ESTABLISHED AT 762 SQUARE FEET, UNDER THE 800 SQUARE FOOT LIMIT. DOES THE BOARD HAVE ANY QUESTIONS?

GALLAGHER: IF IT SATISFIES THE BYLAW REQUIREMENTS, THEN IT'S FINE WITH ME.

GRIFFIN: SAME WITH ME.

GRIFFIN: I MAKE A MOTION TO GRANT A SPECIAL PERMIT OF THE ZONING BY-LAWS OF THE TOWN OF PEMBROKE, SEC. IV, 1. B. 4. USES ALLOWED BY SPECIAL PERMIT WITH A VARIANCE OF SECTION IV, 1. B. 4. C, USES ALLOWED BY SPECIAL PERMIT TO REGINA AND MICHAEL DOYLE FOR PROPERTY LOCATED AT 6 RIDGE AVENUE, PEMBROKE AS SHOWN ON ASSESSORS' MAP B-7, LOT 142 TO CONVERT THE SINGLE-FAMILY DWELLING TO A SINGLE-FAMILY DWELLING WITH AN ATTACHED IN-LAW APARTMENT ON A NON-CONFORMING LOT AS SHOWN ON THE PLANS SUBMITTED WITH THE CONDITIONS AS STATED IN THE BY-LAWS ON A NON-CONFORMING LOT CONTAINING 20,440 SQUARE FEET OF LAND.

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