

ZONING AND BUILDING LAW APPEALS  
PEMBROKE, MASSACHUSETTS  
02359

Case #11-17

August 2, 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 Stephen Kotowski, regarding property located at 112 Indian Trail, Pembroke as shown on Assessors' Map B-8, Lots 169 and 291, said property owned by Suong T. Dong, 34 Sunset Way, Hull, MA 02045 which is the property affected by this request for a special permit.

The petition to the Board is dated June 7, 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 dwelling and construct a new two-story 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 July 7, 2017 and July 14, 2017, posted in a conspicuous place in the Town Hall and mailed on July 10, 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 July 24, 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, 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, July 24, 2017 at 7:00 p.m.

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

Kotowski: I purchased this house about a month and one-half ago. The lot was created in 1929 and the house was built about 1950. The house is in pretty bad shape, so we want to raze it and build a new house. In full disclosure I'm also an engineer and work for Webby Engineering and have prepared this plan. What I tried to do is meet the setbacks as best as I could. Where I'm coming the closest is in the back as I wanted to build a deck. The house is a modest size of twenty-four feet by twenty-eight feet and I've enclosed in your packets plans showing the house we propose to build. I do have a question. I've left enough room on this side of the house to construct a twenty-four foot garage and still meet the required setback. My question is if you granted my request tonight and we built this house, would the new owner be required to come back for a special permit to construct the garage in the future.

Dowling: Unless you ask for it now.

Kotowski: The owner to be of this house wants a twenty-four by twenty-four two-car garage on the north side of the house.

Dowling: How close will it come to the side lot line?

Kotowski: Twenty-one feet. Twenty foot setback and we always add one foot for possible human error.

The abutter on this side is way to the other side of the lot, and to the back is owned by the Town and the property on this side is a vacant lot so there really isn't any impact to the abutters.

Casavant: Michele, what about the garage?

Dowling: He said it would be twenty-one feet from the property line. Will it be built at the same time as the house?

Kotowski: No, they want to build it in the future.

Dowling: There should be a time period set. Say within two years.

Casavant: Agree.

Dowling: Say they build the house and five years from now they decide to build the garage and say none of the abutters are the same as they are today, the new abutters deserve to have a say. On the decision we can specify that the garage to be built in the future is to be a twenty-four by twenty-four attached one story no closer than twenty-one feet of the side lot line.

Gallagher: My only question is on the deck, don't you need twenty-five feet from the deck to the back lot line?

Dowling: The Supreme Court has ruled that on non-conforming residential property you do not need variances, just a special permit to make the property more non-conforming.

Casavant: Assuming we allow the garage to be built at a later date, what do we limit the time period to be.

Dowling: I'd say two, four or five years, anything more would be to much.

Kotowski: Two would be to soon they wouldn't necessarily be settled in.

Casavant: Five years to build or five years to pull a permit?


Dowling: I'd say five years to pull a permit.

Casavant: Anyone here wish to speak?

F.Bousquet: I'm for it.

L.Campbell: Fine with me.  
Casavant: Someone want to make a motion.  
Griffin: I make a motion to grant a Special Permit of the Zoning By-Laws of the Zoning By-Laws of the Town of Pembroke to Stephen Kotowski for property located at 112 Indian Trail as shown on the Assessors' Map B-8, Lots 169 and 291 to raze the existing dwelling and construct a new two story single-family dwelling as shown on drawing by Webby Engineering Associates, Inc., dated June 7, 2017. The special permit is also to include construction of a twenty-four foot by twenty-four foot one story two-car garage on the northerly side of the house, construction of which to be completed within five years.  
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