

Brimfield Zoning Board of Appeals

Minutes, Tuesday, August 21, 2018 (08212018)

Business Meeting started at 7:30 PM.

In attendance were Don Damon, Kim Adams, Kevin Moore, Mike MacFadden, and Pamela Engberg for the ZBA, William and Dionne Waterman, and abutters Michael Goldenberg and Lauryn Fennell.

1. The meeting opened with further discussion about the Ditomasso hearing. A zoning bylaw regarding non-conforming Buildings enacted in 2017 was found to apply (section 4.2) as it states that "buildings in existence at the time of the amendment without the minimum front, side, or rear yards required by section 4.1 may be added to, pursuant to a Special Permit..." if the Board finds that the changes are not detrimental to the neighborhood. The Board found that the project is not detrimental to the neighborhood and as outlined in the plot plan and set of plans as referenced on July 17, the issuance of a special permit is required as the footprint of the structure will be changed. It was moved to issue the special permit by Mr. Damon, seconded by Ms. Adams, and the motion passed 3-0.

2. Review of minutes from meeting of July 17, 2018 - Motion made by Ms. Adams to accept minutes as written, seconded by Mr. Moore, passed 3-0; Review of minutes from meeting of August 6 - as a substantial rewrite was required the action on these minutes was tabled until the changes were made.

3. Board reorganization: Full members are now Don Damon, Kevin Moore, and Kim Adams. Associate members are Mike MacFadden and Pamela Engberg. A motion was made to retain Mr. MacFadden as chairman and Ms. Engberg as clerk; passed 3-0.

4. Expense form signed by Chariman MacFadden.

5. New Business: The Public hearing on the request of William Waterman, 155 Warren Rd., Parcel ID 7-A-2.6 regarding the construction of a shed on his non-conforming lot began at 8:02 PM. Mr. Waterman presented drawings of the lot and structures showing the proposed location of the shed with its back at 3' from the property line. He explained that the terrain drops off steeply and the location is the only spot suitable for the shed. Mr. Moore supported these statements as he had visited the site and found any other location impractical. The Board discussed Zoning Bylaws 5.2 (Accessory Buildings) and 4.2 (Non-Conforming Buildings) and decided that because the lot is a non-conforming lot section 4.2 applies. Mr. Goldenberg and Ms. Fennell who have 151 and 153 Warren Rd. had no opposition to Mr. Waterman's building of the shed. Mr. Damon moved that the special permit be granted as follows:
"I move that the Board grant Mr. Waterman a special permit pursuant to section 4.2 of Brimfield Zoning Bylaws to locate an 8x12 shed 3' from the northern boundary as presented by Mr. Waterman's application. The Board finds that the proposed shed is on a non-conforming lot, and not detrimental to the neighborhood." Mr. Moore seconded; passed 3-0. The public hearing was closed at 8:40 (vote 3-0).

6. The next ZBA meeting was set for Tuesday, Sept. 25, at 7:30 PM.

A motion to adjourn was made by Mr. Damon, seconded by Ms. Ms Adams, passed 3-0; the meeting adjourned at 8:50 PM.

Respectfully Submitted

Pamela Engberg
ZBA Clerk

Michael Macfadden

Don Damon

Kim Adams

Kevin Moore