

ZBA Minutes October 19, 2021 5:30 pm. Town Hall

RE: Continuance of review of plans submitted by Paul Vandal, 49 Seventh St. for proposed garage.

In attendance: Kevin Moore, Jon Fagerstrom, Paul Vandal (as a resident) and Jeff Fitzgerald. Debra Fagerstrom as clerk.

Motion to call to order at 5:30, by Kevin Moore, seconded by Jon Fagerstrom. All in favor.

Discussion took place regarding where the street line actually is, as many old lake lot survey plans are difficult to follow. Paul spoke of having an 8-foot wall verses a 6-foot wall and how much gravel would be needed because of how steep it is. He is very limited due to where his septic is located. The price changes from \$11,500 to \$17,500 based on where the garage is placed.

Jon Fagerstrom mentioned that even if he puts it where it would cost \$17,500, it would still not comply with current regulations. Kevin Moore echoed that and pointed to various areas on the plan, asking why it can't go over there. Paul Vandal explained that it would block his entire view, which he pays \$7,000 in taxes for and the purpose of the lake front property is to view the lake. He said that his neighbor, Mr. Anderson, walked the property with him and his land surveyor on Saturday. He is willing to help in any way needed, in order to help this project be allowed.

Paul Vandal asked about past ZBA approved projects from his neighbors and whether or not we should look in to the minutes to learn what went into making those decisions. Their projects were over the line and the ZBA decided to allow the projects anyway. What are the reasons they used to allow them and can they be applied in his case? Kevin Moore explained there were things to look at such as the grade.

Kevin mentioned that this is definitely something that needs to be looked at as many of these lake lots were conforming at one time. Now, they do not conform and it leaves people with very little options. Jon, Kevin and Jeff discussed the ZBA potentially proposing new lake lot regulations to bring to Town Meeting.

Jon asked if Paul's shed was already over the line towards his septic and Kevin asked if the plan was to make this his full-time residence. Paul explained that yes, it was and yes, that's the plan. The shed is not the same as a garage and he really needs something bigger. He went the extra step to include the \$17,500 option to do his best to meet the requirements. One makes it more non-conforming but the other makes more sense.

Kevin asked what frontage is available and if the frontage is also his driveway. There's a piece that's being driven over but it is undetermined who actually owns it. Paul explained that when people drive down the street, it's not the same as what is shown on older maps. It is unclear if the road way has been adjusted little by little over the years. Kevin noted that nothing over there conforms. Jon said that they are grandfathered in but not for setbacks.

Deb pulled up GIS maps of the area. Jeff noticed on the GIS maps that it looks like the road is Paul's frontage and it comes right to the edge. Paul's is the biggest one. Discussion on why

the board allowed two of the neighbors to do their projects, as well as how at one time, these were all cottages that have been done over to improve the neighborhood and make it look better.

Further discussion went on about how it appears there is a slip of land in front of Mr. Anderson's property and whether this was just a paper road at one time and if it was abandoned. It's just sitting there.

Deb pulled up the decision letters and minutes from the neighbor's ZBA decisions which Paul referenced earlier. It appeared that the previous ZBA board voted in favor of the proposed projects based on their feeling that it would not be detrimental to the neighborhood but in fact improve it. Kevin noted that the current zoning bylaws affect those on lake lots differently than the average residential homes, which causes a hardship to some.

There was review of old meeting minutes when the previous ZBA board members had approved neighbor's projects. Jeff pointed out that if everything was black and white, what is the purpose of a Zoning Board of Appeals? We are to look at each project and whether or not it will be detrimental to the neighborhood and how the neighboring abutters feel about the projects. If we are to compare the approval decisions of the neighbor's projects along with what Paul is wanting to do, it's the same. We need to keep the history of Brimfield's ZBA as far as allowing lake lot projects, in mind. Kevin mentioned that when the new regulations were made, he doesn't think they took in to consideration the lake lots, as well as the other ones that needed to be grandfathered in. Jon said he agreed, but we were not the ones who changed them. He feels that the purpose of ZBA is for when someone is denied by the Building Inspector but meets all the requirements.

Further discussion took place about how ZBA decisions affect the current Zoning Bylaws and that every application should be considered on a case by case basis.

Kevin Moore motioned that we approve the new drawings and approve a Special Permit because the Vandal's have gone out of their way to meet the current zoning conditions, based on the new drawing. It's going to cost more money on their end and they are putting as much of it as possible within the lines. His motion is to approve the new drawing that we are looking at today. Jeff Fitzgerald seconded. Vandal: abstain. Fagerstrom: no. Motion carries. Special Permit was granted with a 2-1 vote.

Give special permit based on plan revised on October 18, 2021.

Motion to adjourn by Kevin Moore at 6:01 pm. Seconded by Jeff Fitzgerald. All in favor.

Respectfully submitted,

Debra Fagerstrom, ZBA Clerk

Kevin Moore, ZBA Chair _____ Date: _____