# **Brimfield Zoning Board of Appeals Minutes, Monday August 5, 2019**

The business meeting opened at 6:10 pm. In attendance were Kevin Moore, H. (Pat) Leaming, Jon Fagerstrom and Debra Fagerstrom (clerk). First order of business, Pat made a motion to make Kevin Moore the new chair, Kevin seconded. Kevin made a motion to appoint the acting clerk, Debra Fagerstrom, to become the permanent clerk. Pat seconded. Kevin motioned to make Pat the vice chair and Pat seconded. Jon Fagerstrom was sworn in by the Select Board and joined the meeting as a newly elected voting member. Kevin made a motion that the new clerk would be paid the clerk fee for any additional hearings on Cumberland Farms. Pat seconded. Expense form (clerk fee) was signed.

Clerk shared a decision letter that arrived from the Holland ZBA. Discussion took place as to whether or not 40 A Section 11, indicates if towns are required to notify abutting towns of ZBA decisions. After reading this section, it was concluded that notification is not required but Holland may have been doing this to be extra cautious or as a courtesy.

Regular meeting times and dates were discussed. It was decided the board would meet the first Tuesday of the month. 6:00pm for business meeting and 6:30 hearings (with the exception of flea market weeks) This will work well as planning board and conservation meet on Wednesdays. Kevin made a motion to accept this new set time, and Pat seconded.

Minutes from the meeting and hearing of June 26, 2019 were reviewed, a correction made, and Kevin motioned to accept the minutes as amended, which Pat seconded.

6:32 pm – begin public hearing on request of Matthew Capen regarding property at 45 Sixth St, Brimfield MA. Parcel ID Map 5A Block B Lot 28. Mr. Capen proposed to re-build home with the same footprint. The second floor will extend over the middle section of the house while the left side will remain a single story. The Board is to review the application for a special permit, examine relevant plans and determine whether changes will be detrimental to the neighborhood. In attendance were Kevin Moore, Pat Leaming, Jon Fagerstrom, Debra Fagerstrom, Matthew Capen and abutters Nicholas and Barbara DeMauro.

Kevin explained that he spoke with Casey, (Brimfield building inspector) and that Mr. Capen had requested a permit to rebuild on same footprint on second floor. Casey approved the permit and there was no need to go through ZBA at that time. Mr. Capen had already gone through conservation for septic and well. Mr. Capen continued to explain that Casey was supposed to inspect the footings but there was a miscommunication as Casey did not realize they were taking the whole house down. As his contractor started, he explained there was no way to keep the whole house as every joist needs to be cut through to get plumbing through. There was nothing worth saving in the base of the house so his contractor demoed it. When Casey came to inspect the footings, he said he didn’t know Mr. Capen was taking down the whole house and now he must go through ZBA. Mr. Capen explained that due to the miscommunication, his contractor took the whole floor down before it was approved to do so. Pat Leaming explained that once the rot on the joists were detected, the building inspector should have been contacted. Mr. Capen apologized and explained he hadn’t been aware of the proper procedure but is doing his best to do all he needs to do now.

Abutters, Nicholas and Barbara DeMauro asked why they were invited here. Kevin and Pat explained why abutters are invited to open public hearings with the ZBA and that they are welcome to share any concerns or objections. The DeMauros asked about the height of the new building as well as location. Mr. Leaming explained that the same footprint will be used, that he will be building on the same foundation. Mr. Leaming asked if the DeMauros had any other questions or concerns. Mr. DeMauro expressed he has lived there for 24 years and he’s concerned that any overhangs or heights could cause a concern for his house because it’s very tight over on the lake and he hadn’t been given the plans. Mr. Leaming and Mr. Capen shared the plans with him on the spot. They went over every aspect of the plans, showing where the well is, septic etc. Mr. DeMauro said there are problems with water issues for people on the lake. He wants to be sure that the footage would be the same. He wants assurance that this won’t cause him water problems. That if something happens down the road that was created by this project, that he would be compensated or have some recourse. Both Kevin and Pat explained that it is not up to the ZBA to offer assurances for that, but they explained to them that the new home is to be built on the same exact footprint and foundation as the previous one. The job of the ZBA is to decide if this new home would be detrimental to the neighborhood. He explained that Mr. Capen’s project has already been approved by the BOH and conservation. Mrs. DeMauro was concerned that the new home would be taller than the last and she could be seen through her bathroom window. Mr. Capen offered to limit the windows on that side of the home if it was needed. Mr. Leaming explained that Mr. Capen does not have to do that. Mr. Capen expressed that he wants his neighbors to be happy.

Mr. Moore asked if there were any other questions or concerns.

6:50 pm Kevin motioned to close the hearing and Pat seconded.

Mrs. DeMauro mentioned the height of some of the homes around her being an issue for her.

6:52 pm Mr. Leaming motioned to open the meeting back up and Jon Fagerstrom seconded.

Mrs. DeMauro asked how tall the new home would be in comparison to the previous. Mr. Capen explained the size difference which would end up being about two feet taller than the previous home. Mrs. DeMauro thanked him and said she just wanted to make sure it wasn’t wider than the last home.

Kevin motioned to close the hearing again and Pat seconded. Mr. Capen and the DeMauros exited.Kevin motioned to vote on 45 Sixth St and Pat seconded. Vote was 3-0 unanimous in favor for Mr. Capen to proceed. Meeting adjourned at 7:03 pm.

Respectfully Submitted

Debra Fagerstrom – ZBA Clerk\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kevin Moore – Chair \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

H. Pat Leaming \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jon Fagerstrom \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_