



Georgetown Zoning Board of Appeals

Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833

MINUTES OF A PUBLIC HEARING

ZBA FILE #13-05

Charles & Nicole Lawrence – 4 Pineneedle Lane, Georgetown, MA

Special Permit/Accessory Building Bylaw

November 13, 2012

Board Members Present: Paul Shilhan, Chairman
Gina Thibeault, regular member
Sharon Freeman, regular member
Jeff Moore, associate member :
Absent: Dave Kapnis, regular member

Zoning Clerk: Patty Pitari
Charles & Nicole Lawrence - Applicants

P. Shilhan opens the Hearing at 7:30pm and stated the Board of Appeals will conduct this meeting according to rules laid out in Chapter 40A of the General Laws of the Commonwealth of Massachusetts, Roberts Rules of Order and its own particular set of rules, entitled Rules of Procedure, a copy of which is on file with the town clerk, another copy is available from the clerk at this meeting. This meeting is being taped recorded for the purpose of taking minutes.

J. Moore reads legal ad; A Public hearing will be held on November 13, 2012, at the Georgetown Town Hall 3rd fl. at 7:30pm, to hear an application by Charles & Nicole Lawrence of 4 Pineneedle Lane, Georgetown MA, in the RB district and identified on Assessor's Map 19, Lot 48L. The applicant requests a Special Permit under; M.G. L. Chapter 40A, § 9, & the Georgetown Zoning bylaws, Chapter 165 § 9, 10.1, 78 & 79, to construct a pool cabana 50% closer to the side lot line than allowed in RB zone. Chapter 165- § 10.1 allows side & rear setback reductions by 50% for accessory structures.

Applicants Presentation

Charles Lawrence, Applicant – We would like to put the pool cabana 50% closer to the lot line, at 10 ft. He showed the lot on his plot plan, he had the pool originally 10 ft. away, we had a small area to work with, initially I applied with the pool to be 10 ft. away also, and per the bylaw that was not possible so I worked with Patty and Jon and made the pool fit the setbacks, the lot is very oddly shaped, we had some drainage issues, so this is where the cabana would have to be to keep it away from the drainage area.

P. Shilhan – Is there a neighbor on both sides, and is the cabana within the fencing for the pool.

Charles – Yes on both.

S. Freeman – I saw the string in the back, will it go along that, so it's sort of angled in the back, and your neighbor knows.

Charles – Yes, I have a letter from one of the neighbors.

J. Moore – Do you have a slope that runs from the rear of the house toward the rear of the lot.

Charles – Yes, that's the low part of the lot?

We reconfigured the pool to be placed within the allowed setbacks.

P. Shilhan – If they are within the accessory building bylaw, we can issue a special permit to go 50% closer.

Audience:

Chuck Peterson, 7 Raymond Court, I am part of the association – I just wanted to know where it is located and the dimensions and how close is it to the conservation land.

P. Shilhan – The height of the cabana is 10 ft. 1inch tall, and it is 20.4 ft. X 16.4 ft. and 278 sq. ft. Patty gave him a copy of the layout.

Patty – The conservation agent reviewed this when Charles had come to the land use window and it's outside the buffer zone therefore not in their jurisdiction.

S. Freeman – I went by the property and met his neighbor to the right of him, it's on the other side of him and he seemed fine with it.

New Correspondence

Charles Lawrence read a letter from neighbor dated 10/16/12 “In response to the special permit letter we received regarding the 10ft. side lot line clearance for 4 Pineneedle Lane; please not that we have no issue with this and are in favor of the exception being granted. Please contact us if you have any further questions. Sincerely, Craig & Leah Giannino; 6 Pineneedle Lane.

Chuck Peterson – There is a small shed in the area were the cabana is to be built, what happens to that.

Charles – It's a 10x12 shed and that will be moved.

P. Shilhan stated he would entertain a motion.

J. Moore – Until recently you could not build within the setback, but with the Accessory Building bylaw a new amendment to the bylaw, 165-10-1. Accessory Buildings and Pools - Except under the following conditions, a detached accessory building or pool shall conform to the dimensional setback regulations listed in 165-11.

- a.) It does not occupy more than twenty five (25) percent of the required rear yard;
- b.) It is set back from the street line no less than eight (8) feet behind the front plane of the principal building or the required front yard setback, whichever is greater;
- c.) It shall not be located closer to the lot line than fifty percent (50%) of the required side or rear yard setback listed in 165-11;

- d.) It shall not exceed five hundred and seventy six (675) sq. ft. in area with no walls longer than 24 ft. in length, said accessory building shall not exceed 15 ft. in height. Roof dormers shall only be located toward the public way or the principle building on the lot;
- e.) No more than one detached accessory building or pool with reduced setback is permitted on each lot.
- f.) All uses for residential habitation are prohibited within the accessory building.

Board Discussion on setbacks for Residential B.

Motion - S. Freeman/G. Thibeault – I make a motion that the Board grant a Special Permit to Charles & Nicole Lawrence of 4 Pineneedle Lane, Georgetown MA, 01833, in the RB district and identified on Assessor’s Map 19, Lot 48L, under; M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9, and 79 Special Permit & Ch. 165, Section 10.1, the board finds that the Accessory Building Bylaw Chapter 165, section 10.1 allows them by special permit to construct a pool cabana accessory structure 10 ft. which is (50% closer) to the side lot line than allowed in RB zone, per Chapter 165- § 10.1 that allows side & rear setback reductions by 50% for accessory buildings.

I further move the Board finds the special permit application meets the requirements of 165-79 (a-d), that states the application is desirable to the public convenience or welfare; will not overload any public water or other municipal services so as to unduly subject any area to hazards affecting health, safety or the general welfare; will not impair the integrity or character of the district or adjoining districts; and, will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

Discussion – J. Moore – I believe this meets the requirements, and you met with the building inspector, to get the pool to meet the setback, so I believe it’s a reasonable request.

All in Favor – Yes, 4-0. Motion carried unanimously.

Special Permit is granted.

P. Shilhan - The Zoning clerk has 14 days to file a decision any appeal of this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days after the date the notice of decision was filed with the Town Clerk. An applicant may file this decision before the 20 days but does so at their own risk.

Motion – G. Thibeault/ J. Moore to close the hearing on 4 Pineneedle Lane, at 7:53pm to open the second hearing for 172 W. Main Street. All in favor. Motion carried.

Patty Pitari
Zoning Administrative Assistant

Approved – December 4, 2012 Business Meeting