



**Town of Becket
Zoning Board of Appeals
557 Main Street
Becket, Massachusetts 01223
Phone (413) 623-8934 Ext. 122**

Meeting Minutes for January 11, 2022

Board Members present: Victoria Bleier, Robin Mathiesen

Board Members Present via Zoom: Alvin Blake, Mary Canty, Sarah Hoecker, Jeffrey Wilkinson, Christopher Milenkevich

Board Members Absent: none

Administrative Assistant: Tess Lundberg

Public Present via Zoom: Tim Garthwaite, David Colpitts, William Girard

1. Call to Order: Victoria Bleier calls the meeting to order at 6:10 PM. Ms. Bleier introduces the Board members present.

2. Board to review and approve the minutes of November 2, 2021 and December 7, 2021. Ms. Matheisen makes a motion to approve the minutes of November 2, 2021. Mr. Wilkinson seconds the motion. Victoria Bleier votes in favor, Robin Mathiesen votes in favor, Alvin Blake votes in favor, Mary Canty votes in favor, Sarah Hoecker votes in favor, Jeffrey Wilkinson votes in favor, Christopher Milenkevich votes in favor. **Motion passes.**

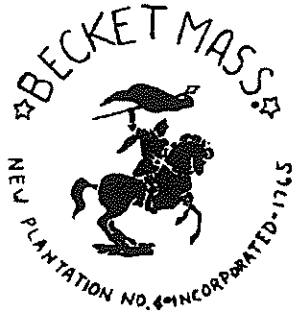
Mr. Blake makes a motion to approve the minutes of December 7, 2021 Ms. Matheisen seconds the motion. Victoria Bleier votes in favor, Robin Mathiesen votes in favor, Alvin Blake votes in favor, Mary Canty votes in favor, Sarah Hoecker votes in favor, Jeffrey Wilkinson votes in favor, Christopher Milenkevich votes in favor. **Motion passes.**

All approved minutes will be signed by board members at the next in person board meeting.

3. Old Business

a. 0 King Richard Drive 216.285 :

Ms. Bleier opens the discussion. Mr. Blake asks what the status of the application is with other boards. Ms. Lundberg states the Board of Health approved the septic system design contingent upon approvals by the Conservation Commission, with the requirement to return to the Board of Health if the Conservation Commission decision impacted the approved plan. Mr. Colpitts states that the Conservation Commission determined that the plans needed to be reviewed by the Massachusetts DEP before being heard by the Conservation Commission. Ms. Hoecker states it is her understanding that the DEP reviews the plans and gives feedback to the Conservation Commission. Ms. Hoecker states the lot is in a sensitive area and will be subject to a lot of scrutiny. Mr. Colpitts states the applicant did make a number of compromises in the locations of the house and the septic system.



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4. New Business

a. Informal discussion- 32 Williams Road :

Ms. Bleier invites Mr. Garthwaite to speak to the board. Mr. Garthwaite states the cabin at 32 Williams Road has been there since 1970, with a new septic system installed in 2007. Mr. Garthwaite states they would like to winterize the home and make it a full time residence. Mr. Garthwaite states they would like to extend the cabin by 12 feet to increase the living space. Ms. Bleier asks to confirm the extension will be going into the side setback. Mr. Garthwaite states that is correct, it will be going into the 20 foot side setback, by 1.75 feet. Mr. Wilkinson asks to confirm the existing structure already encroaches on the side setback. Mr. Garthwaite states the entire structure is already 2 feet into the side setback, the plan is to extend the structure back and carry that encroachment another 12 feet along the sideline.

Mr. Girard states if the existing house is ready a non-conforming structure, and the plan is to continue and extend along the same line, the decision should be under the jurisdiction of the Planning Board. Mr. Girard states if they were encroaching on the rear setback, or on the other sideline, it would be under the jurisdiction of the ZBA. Ms. Bleier states under bylaw 3.4.3 a non-conforming already in the setback goes to the Planning Board for approvals. Mr. Girard confirms, if it is following the same line it goes to the Planning Board.

b. Discussion with Building Inspector Bill Girard:

Ms. Bleier states the board wishes to continue the discussion that was started at the December 7, 2021 meeting. Ms. Bleier asks Mr. Girard's opinion if there should be an arrangement between the Planning Board and ZBA to screen applications prior to filing to determine which board has jurisdiction. Mr. Girard states he would agree with that. Mr. Girard states he was waiting for the board to determine the deeded setback exclusions in Sherwood Forest and Sherwood Greens only applies to new construction. Mr. Girard states he believed it was a town counsel and board decision, not the decision of the Building Inspector. Ms. Hoecker states she thinks the board needs to make a determination if a property is subject to the exclusion before the application is filed. Mr. Girard states that becomes another step in the process for him. Mr. Girard states no other home associations have this type of deed restriction. Mr. Girard states he believes everyone in Sherwood Forest has the same language in their deeds. Mr. Girard states the applicants need to produce the deeds back to where they got the vested rights. Mr. Girard states when the town went, in January 1971, from 1 acre to 2 acre minimum lots they had 5 years to sell any owned abutting properties or combine properties. Mr. Girard states it is very challenging for property owners and the Building Inspector. Mr. Girard states when building on the small lots they



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sometimes have to come up with 14 or 15 deeds. Mr. Girard states it would be good if the Zoning Board said if you own property in Sherwood Forest you have vested rights.

Ms. Bleier asks how many undeveloped lots are in Sherwood Forest.

Mr. Girard states there are probably about 800 lots between Sherwood Forest and Sherwood Greens.

Mr. Milenkevich asks what the bylaws should say if they were changed.

Mr. Girard states it should say if you own a lot as of 2021 then it is a buildable lot, which would release hundreds of people from going through the application process. Mr. Girard says if you tried picking a lot in Sherwood Forest and going through the research process it would take about two hours. Mr. Girard states attorneys do title searches, but are usually looking for liens not prior ownership.

Mr. Wilkinson asks Mr. Girard if he has spoken to the Planning Board about the issue.

Mr. Girard states he has not spoken to the Planning Board.

Ms. Hoecker states the Zoning Board of Appeals would support the Building Inspector.

Ms. Bleier states the board could draft a proposed change.

Ms. Hoecker states the board could work with the Building Inspector on it.

Mr. Girard states owned abutting lots that were separated illegally separated would be unbuildable, however only about 20 lots out of 800 fall in this category. Mr. Girard states other lots are questionable if they would be large enough to fit a house and a septic system. Mr. Girard states the 30-35 lots he has given approval to as buildable were very clear decisions. Mr. Girard states when he tells people what needs to be done to determine if a lot is buildable, very few of them come through with all the necessary deeds.

Mr. Girard states if a structure is conforming, it needs a Zoning Board of Appeals decision to encroach a setback. Mr. Girard states if a structure is non-conforming, extending the existing non-conformity and not becoming non-conforming it other ways, it goes to the Planning Board.

Mr. Blake questions if it would be wise to do a bylaw change since it only effects Sherwood Forest and Sherwood Greens.

Mr. Girard states it would have to go through public meetings and a town meeting for discussions and approvals.

Mr. Girard states the most important thing is to understand the bylaws, reading them over and over as they are complicated, and the decision based on these bylaws can be very difficult to make.

Mr. Blake asks Mr. Girard if he has an opinion on sharing a Building Inspector with other communities similar to the current discussions to share the Police Chief.



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Mr. Girard states Becket is unique because of the homeowner associations. Mr. Girard states he believes Becket can support a full time Building Inspector given the level of building and inspections in town.

Ms. Bleier asks the board if they want to discuss people to work with the Mr. Girard on the bylaw change proposal. Mr. Blake suggests that someone from the Planning Board should also be involved. Ms. Hoecker state she can assist with the project. Mr. Milenkevich states that he can assist also. Mr. Wilkinson asks Mr. Blake if it would make sense to speak with Robert Ronzio. Mr. Blake states Mr. Ronzio or Dr. Lerner have the knowledge and background in Sherwood Forest. Mr. Blake states it should start with an informal discussion. Ms. Bleier states she will forward the email contacts to Ms. Hoecker and Mr. Milenkevich.

5. Budget – no discussion

6. Correspondence -none

7. Public Input -none

8. Any other business to come before the Board -none

9. Adjournment. Ms. Mathiesen makes a motion to adjourn the meeting. Mr. Wilkinson seconds the motion. Mr. Blake votes in favor. Ms. Bleier votes in favor. Ms. Canty votes in favor. Ms. Hoecker votes in favor. Ms. Mathiesen votes in favor. Mr. Milenkevich votes in favor. Mr. Wilkinson votes in favor. **Motion passes.**

Meeting is adjourned at 7:15 PM

Meeting Minutes reviewed and approved on May 3, 2022 by:

Victoria Bleier, Chair

Jeffrey Wilkinson

Sarah Hoecker

Alvin Blake

Robin Mathiesen

Mary Canty

Christopher Milenkevich