

**Town of Becket
Zoning Board of Appeals
557 Main Street
Becket, Massachusetts 01223
Phone (413) 623-8934 Ext. 20**

Meeting Minutes for April 3, 2018

Board Members Present: Victoria Bleier, Joy Lennartz, Jeffrey Wilkinson, Alvin Blake and George Roberts

Board Members Absent: Karen Karlberg

Administrative Assistant: Jessica Perotti

Public Present: Todd Owen

Call to Order

Victoria Bleier, Chairperson, calls the meeting to order at 7:00 PM. Ms. Bleier confirms that the applicant, Todd Owen, has signed into the meeting and offers him a copy of an agenda. Ms. Bleier announces that the meeting is being recorded by the Administrative Assistant, Jessica Perotti. Ms. Bleier reads the rules of the meeting into the record. This meeting is being held in accordance with MGL 40A and the Town of Becket Zoning Bylaws. The ZBA must vote on an application within 100 days of receipt the application; the ZBA has fourteen (14) days to process any written decision of the outcome of a vote to the Becket Town Clerk. Any applicant that comes before the ZBA for a ruling has a right to appeal the ZBA's decision to the appropriate court within twenty (20) days after the decision is filed with the Town Clerk. Notice of any judicial appeal should be filed with the Town Clerk. It is the responsibility of this Board to accept or deny an application based on the information provided by the property owner or their agent during the public hearing. It is not this Board's responsibility to do the work for the applicant or their agents. The ZBA reserves the right to have a complete application presented before proceeding with a vote. Ms. Bleier then introduces herself and asks the other members of the Board to introduce themselves.

Alvin Blake informs Ms. Bleier that he needs to leave the meeting at 7:30 PM and suggests changing the order of the agenda. Ms. Bleier agrees that it makes sense to do this and moves to number three (3) on the agenda, the continuance of the Public Hearing for Todd Owen.

Old Business- continued Public Hearing: Dimensional Special Permit for Todd Owen of 100 Prince Paul Path: Requesting approvals under Section 3.4.5 of the Becket Zoning Bylaws for an addition of garage

Ms. Bleier announces that since there are five (5) Board members present, four (4) positive votes are required to approve the application. Ms. Bleier states that if there were only four (4) members present, the applicant would have the right to defer to a later meeting with a full Board present. Ms. Bleier recalls that all Board members present were also present at the February meeting but asks if anyone has a conflict of interest. Hearing none, Ms. Bleier moves on to again confirm that all application fees have been paid and that the taxes for the property



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are also current. Ms. Perotti confirms. Ms. Bleier then verifies with Mr. Owen that he has submitted another plan. Mr. Owen confirms that a to-scale plan was submitted. Mr. Owen goes on to explain that he has reduced the size of the originally proposed garage from 20' x 18' to 20' x 14' to keep the garage as far from his neighbor's property as requested and also the roadway on the other side. Mr. Owen recalls from the last meeting that there was a question regarding other houses in the neighborhood having garages or outbuildings that were ten to fifteen feet (10'-15') from the road and references some photos he took of some nearby houses that have garages or outbuildings at that approximate distance to show that his garage would fit in with the neighborhood. Mr. Owen lets the Board know of a property that has an oversized shed that is actually on the road. He has also had conversations with neighbors who struggled with the same problem. Mr. Owen asks the Board what questions they have for him. Ms. Bleier shares her concerns. She believes that the latest submitted drawing is still fairly incomplete. She thinks that reducing the size of the garage was helpful considering that it was a concern for his neighbor being so close to her property. Ms. Bleier recalls that Mr. Roberts requested to see septic information shown on the map. She notes that the leach field is on the map drawing but the tanks are not illustrated on it. She also says that on the previous map that was provided, a pump chamber was included on it but was left off of the last map submitted. There was also another well shown on the last map and that too was not included on the latest map submitted. Ms. Bleier feels that if they could compile both maps together it would be an almost complete map. Ms. Bleier notices further that the roadways were also not included as they were on the last map submitted. Ms. Bleier explains to Mr. Owen that these things make it difficult for her to make an accurate assessment of the application. She questions if the Board is still trying to determine if the application is complete or if they should review it and make a decision on it. Ms. Bleier asks the Board for their interpretation. Ms. Lennartz says that she too was trying to put them together to compare and determine where everything goes. Ms. Bleier says she also didn't see a scale on the map and asks Mr. Owen to confirm if it is, in fact, a to-scale drawing and if so, what the scale is for it. Mr. Owen explains that he did the drawing himself with the help of a friend using a program called Quick Draw. He confirms that one milometer (1 mm) is equal to one foot (1') on the drawing. He also confirms that he failed to include the items mentioned on latest map submitted. Ms. Bleier asks where the septic tanks are in relation to the leach field. Mr. Owen tells her they are right next to it, closer to the house. Ms. Bleier asks the Board if they have any comments or questions for Mr. Owen. Mr. Wilkinson recalls that his neighbor that was at the last meeting wanted him to stay out of the setback next to her property. Mr. Wilkinson sees that the garage is set a little farther from the property line from where it was previously but it is still not quite twenty feet (20') away and wants to know if that setback could be met. Mr. Owen says that the only way to do that is to



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make a much smaller garage or move it. A garage that would be smaller than the new size proposed wouldn't be of much use to Mr. Owen and if it were moved that far over, it would block off another main window and could possibly effect the resale value of the house. Mr. Owen says that if moving it was the deciding factor of the application, he would move it. He continues with his explanation stating that with the garage where he proposes it to be, it is lined up with the back of the house and also with the window in the living room; moving the garage would block the living room window. Mr. Owen repeats that he would change the size of the garage or move it if that's what it would take for the application to be approved. Ms. Bleier asks if the measurements on the plan are in feet and inches. Mr. Owen confirms that they are in feet and inches. Mr. Wilkinson asks if the property pins were found and if measurements were taken properly from them. Mr. Owen tells the Board that he put stakes up where the property pins were and measured from the stakes with measuring tape. Ms. Bleier asks Mr. Owen to explain about the 14' measurement from corner "C" on the drawing that was submitted in February and the current measurement from that same corner which is now 26' 3". Ms. Bleier realizes there was a change in the size of the garage but the change in size doesn't seem to match the difference of the measurements. Mr. Owen explains that he changed the location of the originally proposed garage slightly to line it up with the back of the house and that's why the change in measurements don't match up exactly. Ms. Bleier asks the Board if they have any additional questions for Mr. Owen or if they would like to proceed to a vote. Mr. Roberts makes a **motion** that absent any further discussion amongst the Board that they proceed to a vote. Mr. Wilkinson questions if that's as is or with the garage moved to meet the 20' setback requirement. Mr. Roberts looks to Mr. Owen since the placement of the garage is his decision. Mr. Owen asks the Board if they want him to move it to be at the 20' mark. The Board is in agreement that the garage stay out of the 20' setback requirement. Mr. Owen says that if they want the garage at the 20' setback then he will shorten the garage to not hurt the resale value of the house. Mr. Roberts asks Mr. Owen to confirm the size of the garage he will build. Mr. Owen says he will make it 17' x 14'. Mr. Roberts says it would need to be shortened by another 3' 3" to not encroach the setback. Mr. Owen says he will shorten the garage and move it over 3" to make it 20' from his neighbor's property line. Mr. Owen asks about how high he can make the garage now wanting to add a loft to the garage to make up for the fact that it was shortened; he would want to go higher than the 12' he originally proposed. Ms. Bleier says that as long as he stays at the 20' height requirement, he wouldn't need another variance for the height of the garage. Mr. Roberts wants to be sure that the neighbor's property line will not be encroached more than the required 20' setback. Mr. Roberts realizes that with the size and shape of the lot, it's hard to meet all the required setbacks. Ms. Bleier's concern is that there is a lot missing from the latest submitted map and accepting it may set a



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bad precedence as to what the Board will accept. Mr. Roberts feels there is a bare minimum submitted that the Board could make a decision. Mr. Blake doesn't feel the locations of the septic tanks, pump chamber and the well have an effect on their decision. Ms. Bleier states that they have asked for this information and while it may not change their decision it was asked for at the last meeting. Ms. Lennartz thinks that if they took the information from all the maps, collectively, they would have all the information they need to make a decision. Ms. Bleier agrees. Ms. Bleier feels that if everyone else on the Board feels comfortable voting tonight that they should vote on the application. Mr. Roberts makes a **motion** to proceed to a vote. Mr. Blake **seconds** the motion. All in favor. **Motion passes.** Mr. Wilkinson suggests dating the plan with today's date and that they need to incorporate the provisions that the Board asked for on the plan. The garage needs to be shortened and moved to be no less than 20' from the property line. Mr. Roberts states that the applicant has suggested to change the dimensions of the proposed garage on the revised plan dated 4/3/2018 cognizant of the fact that the Board is uncomfortable with the 3' 3" encroachment of the 20' required setback to his neighbor's property line. Mr. Owen has agreed to reduce the size of the proposed garage from 20' x 14' to 17' x 14' and slide it over 3" to meet the required setback. Given those changes to the 4/3/2018 revised plan, Mr. Roberts makes a **motion** that the Board should accept the application with the changes set forth during subsequent discussions on the revised plan dated 4/3/2018. Mr. Wilkinson **seconds the motion.** Ms. Bleier calls for a vote:

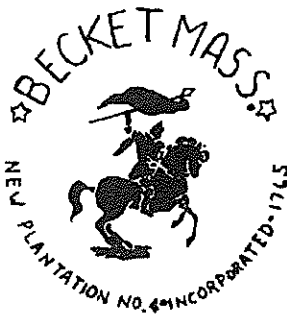
- **Victoria Bleier:** approve
- **Joy Lennartz:** approve
- **Jeffrey Wilkinson:** approve
- **Alvin Blake:** approve
- **George Roberts:** approve
- **Karen Karlberg:** *absent for vote*

Motion passes unanimously. Mr. Owen thanks the Board for their time.

- Mr. Blake excused himself from the meeting at 7:27 PM.

Board to Review Meeting Minutes of February 6, 2018 and March 7, 2017

Ms. Bleier asks the Board if they have had a chance to review the minutes for February 6, 2018. Mr. Wilkinson points out a spelling error on page five (5): "verses" should be "versus" on the Public Hearing minutes of February 6, 2018. Hearing no other feedback from the Board, Ms. Bleier asks for a motion to approve the minutes of February. Mr. Roberts makes a **motion** to



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accept, as corrected, both the meeting minutes and the public hearing minutes for February. Ms. Lennartz **seconds the motion**. All in favor. **Motion passes**. Ms. Bleier reminds the Board of the March 7, 2017 minutes that still need to be approved. Ms. Perotti made corrections that were approved by the Board to the minutes drafted by Mallory Larcom, the recording secretary of that meeting. Ms. Bleier feels the minutes of the March 2017 meeting are as good as they are going to get now that Ms. Larcom is no longer working for the Town of Becket. Ms. Perotti informs the Board she made some other corrections of spelling and grammatical errors. There was another correction she thought should be made on page one (1): "8,00" should be "8,000". The Board agrees that it should read as "8,000". Ms. Bleier asks the Board if they should approve the minutes with a caveat that they are somewhat incomplete. Mr. Roberts interrupts to say that the minutes could always be changed if an error is discovered. Mr. Bleier agrees and asks for a motion to approve the minutes of March 7, 2017. Mr. Roberts makes a **motion** to approve the minutes of March 7, 2017 as corrected. Ms. Lennartz **seconds the motion**. All in favor. **Motion passes**.

New Business

None.

Budget

Ms. Perotti lets the Board know about some invoices and payments that were taken out of the budget and asks the Board for motions for them. First, there is an invoice for \$35.00 for Karen Karlberg to attend the 5th Thursday dinner for **BRPC (Berkshire Regional Planning Commission)**. Mr. Roberts asks when that dinner took place. Ms. Perotti says it was on March 29, 2018. Mr. Roberts makes a **motion** to pay the \$35.00 for Ms. Karlberg's ticket to the BRPC's 5th Thursday dinner. Ms. Lennartz **seconds the motion**. All in favor. **Motion passes**. Next, there is an invoice for \$184.60 from the Berkshire Eagle regarding the public hearing notice that was posted for Todd Owen's Special Permit Public Hearing. Mr. Roberts makes a **motion** for the invoice for \$184.60 be paid. Ms. Lennartz **seconds the motion**. All in favor. **Motion passes**. Ms. Perotti lets the Board know that she had some business cards made and the total for that was \$45.00. Ms. Perotti has split the cost between the three (3) boards she works with and is asking the Board to approve a payment of \$15.00 for her business cards. Mr. Roberts makes a **motion** to approve the \$15.00 payment for business cards for Ms. Perotti. Ms. Lennartz **seconds the motion**. All in favor. **Motion passes**.

Review Correspondence

None.



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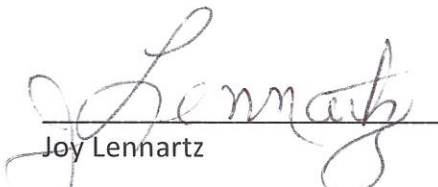
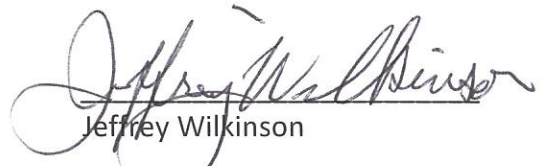
Any other business to come before the Board
None.

The Board sets the next meeting for May 1, 2018 at 7:00 PM.

Adjournment

Mr. Roberts makes a **motion** to adjourn. Ms. Lennartz **seconds the motion**. All in favor.
Motion is approved. The meeting is adjourned at 7:50 PM.

Meeting Minutes Reviewed and Approved on May 1, 2018 by:


Victoria Bleier, Chairperson
George Roberts, Clerk
Joy Lennartz
Jeffrey Wilkinson
Alvin Blake