



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

Meeting Minutes of 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*

February 6, 2018

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

Board Members Absent: Karen Karlberg

Administrative Assistant: Jessica Perotti

Public Present: Linda Shaw and Todd Owen

Call to Order

Victoria Bleier, Chairperson, calls the meeting to order at 7:15 PM and informs all that this meeting is being recorded by Jessica Perotti. This meeting is being held in accordance with MGL 40A and the Becket Zoning Bylaws. The ZBA must vote on an application within 100 days of receipt of 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. George Roberts makes a **motion** to waive the reintroduction of the Board members present. Joy Lennartz **seconds the motion**. All in favor. **Motion passes**.

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Ms. Bleier informs the applicant that since there are five (5) Board members present, at least four (4) of the five (5) would need to vote in favor for the application to be approved. Ms. Bleier asks the Board if anyone has a conflict of interest on the application. There is no response from the Board. Ms. Bleier asks if all fees have been paid on the application. Ms. Perotti confirms all fees have been paid as well as a notice from the Tax Collector stating the taxes for this property are current. Ms. Bleier asks Todd Owen to present his application to the Board. Mr. Owen stands and introduces himself to the Board. Mr. Owen informs the Board that he moved to the area around five (5) months ago and purchased his house approximately



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two (2) months ago. He completely renovated the house and believes upkeep is very important. Mr. Owen explains that with his personal lifestyle, he has a lot of yard equipment, tools, motorcycles and an extra car. He works hard for everything he has and does not want to leave anything outside which is why he wants to build the garage. He also doesn't want to have things all over the yard because upkeep is so important. He not only wants to keep things clean and tidy not only for himself but also for his neighbors. Ms. Bleier asks about the addendum that was submitted that shows how far everything would be from Mr. Owen's property lines. Mr. Owen admits the diagram is not very accurate representation of what he would like to build. Mr. Owen explains that he went out after it snowed and shoveled the area where he would like the garage to be and took the measurements from each corner to the closest property line. Mr. Owen repeats that the while the diagram isn't the best, the measurements listed within the diagram, he believes, are correct. Alvin Blake asks if there was any correspondence from any of the abutters. Linda Shaw raises her hand and says that she is an abutter. Mr. Roberts has concerns because the plan that has been provided is concededly not accurate. Mr. Roberts is not clear if the lines in the diagram are actual property lines or if shows where the road starts. Jeffrey Wilkinson shares the same concerns and says the Board requires a scaled drawing. Mr. Owen claims the lines on the diagram are the property lines and explains the property marker is approximately three to four (3-4) feet from the roadway with others in the hedges that are also a few feet in from the road. Mr. Wilkinson wants to know if all the property markers were established when the house was purchased. Mr. Owen confirms that they were. Mr. Roberts interrupts to point out the note on the diagram which he reads aloud: *This plot is compiled from other plans, deed dimensions and other sources of information. It is not to be construed as a more accurate survey, and is subject to changes as a more accurate survey may disclose.* Mr. Roberts tells Mr. Owen that he is not hostile to him having a garage to keep his stuff in but especially on a small plot like this, the Board needs to know, accurately, what the dimensions are of the lot as well as the proposed construction and where it will be placed on the lot exactly. To give an example, Mr. Roberts asks Mr. Owen to look at the north truncated corner of the triangle that says it is 15.8'. Then, looking at garage corner "B", it says that is 16' from the property line. This distance looks smaller on the diagram compared to 15.8' line that is depicted on the corner of the triangle. Mr. Roberts explains that he doesn't feel comfortable giving an approval with the schematic presented because it is clearly not accurate. Mr. Owen agrees with Mr. Roberts that the diagram is not to scale but

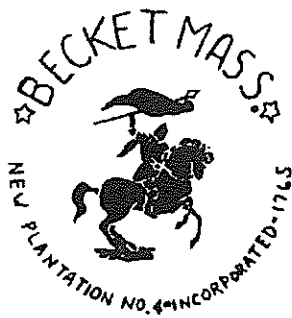


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that the actual measurements listed on the diagram are correct. Ms. Bleier asks if anyone has any further questions before the hearing is opened for public discussion. Alvin Blake says he has similar concerns and also if the measurements are correct, conceivably, you could move the garage over another four (4) feet and you wouldn't need a variance from that property line. The Board argues among themselves that while it may save the encroachment of the property line to his neighbor, it invades the other property line on Castle Lane. Mr. Owen informs the Board that he bases the measurements on the size of the garage he would like to build which is 20' x 18'. He tells the Board about projects he has done such as rebuilding three motorcycles and a nice car that he has and wants to keep protected in a garage. Mr. Owen explains he can go a little smaller on the size of the garage. Mr. Owen says that looking at the property, the ideal place to put the garage is where the septic system was installed. Mr. Owen further explains that the septic system was installed just prior to him closing on the house so he didn't have a say in where the septic system would be placed. Further, there is another open area on the property but it is the only space in which to have a yard for the dogs and children to play. Mr. Roberts says he doesn't have a problem with the size of the garage. Mr. Roberts thinks the location may be problematic but given that the diagram is not to scale, he can't tell. Mr. Roberts tells Mr. Owen that he would like to see an accurately scaled drawing that shows the yard, the house, the approximate area of the septic system and also the distances from the house to the various property lines and of course the size of the garage, where it will be placed and how far that is to the house and property lines. Ms. Bleier lets Mr. Owen know that this hearing could be continued to next month if he feels he could get that information to the Board by then. Ms. Bleier reminds him that the application requires that the Board have detailed and accurate information before making a decision on the application. Mr. Roberts says he doesn't have to continue it; the Board could vote on the application tonight but given the information, he is disinclined to approve this. Ms. Bleier says that the Board would still like to hear from the abutter that is present. Ms. Bleier asks the abutter to state their name and to comment on the application. Linda Shaw of Castle Lane says she owns the land that is next to Mr. Owen. Ms. Shaw says she is enthusiastic about Mr. Owen having a garage. She does not want the garage to encroach her property; she would like the Board to hold him to the required 20' setback. She is also concerned, for him, about the shallow well that is on Mr. Owen's property. Mr. Roberts confirms with Ms. Shaw that the property line she shares with Mr. Owen is the 150' property line in the diagram. Mr. Roberts asks if there are other structures, either houses or



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out buildings, on Prince Paul Path or Castle Lane that are within 10'-15' of the roadway. Ms. Shaw doesn't believe there are any that close to the roadway. Mr. Wilkinson informs the Board that he took a ride down there to look things over and doesn't recall any buildings that were close to the road either. Mr. Roberts looks to the applicant to see if he would like to get further information for the Board and continue until next month. Mr. Wilkinson asks the Board to consider the 14' measurement from Castle Lane. He doesn't think it would be fair to the applicant to ask him to get survey work done if the application will be denied on the measurements that are known on the current diagram before the Board. Ms. Bleier clarifies that the line on the diagram is actually the property line and not the roadway. Mr. Roberts says that with the size and shape of the lot, he's not sure that it could be placed anywhere without encroaching at least one of the property lines. Mr. Owen agrees with Mr. Roberts and lets the Board know that even the house doesn't meet all the required setbacks. Mr. Owen says that if he were to build a garage that would meet all required setbacks, it would be a size that would be too small for what he needs the garage for and really wouldn't be worth building it at that point. Mr. Roberts suggests building to the east of the house instead. Mr. Owen agrees that building to the east of the house would be ideal but repeats that this area is the only area that he can have a yard for his family. Mr. Roberts asks what is where the garage would be. Mr. Owen says that area has very minimal yard and a lot of woods. Ms. Bleier asks if there is any yard area for kids to play by the septic area. Mr. Owen says there is potential there but putting the garage to the east of the house just wouldn't look right. Ms. Bleier confirms that it would not fit with the property. Ms. Bleier asks the Board if they see the 14' distance from Castle Lane to the corner of the garage as a problem to approve the application. After a long pause from the Board, Mr. Roberts says the structure would be approximately the size of this room away from the road which is pretty close. Mr. Roberts asks how much traffic comes down the road. Ms. Shaw says the traffic is very minimal because it is a dead end road; there are the few people that live on the road, an occasional delivery truck and maybe someone that comes down the road by mistake or just to look around and then turns around. Mr. Roberts asks Mr. Owen if he is interested in providing an accurately measured plan and further recommends that he take a long look at where he could put the garage with a couple different options. Mr. Roberts says he agrees with his abutter because he wouldn't want someone building a structure that close to his property line either. Mr. Owen says he would ensure that the garage wouldn't be closer than the 20' requirement from her property line. Ms. Shaw says this is her



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only concern. Mr. Roberts asks Mr. Owen if he wants to take the time and expense of having his property surveyed showing the proposed garage or if he would like the Board to make a decision on what has been presented. Mr. Owen asks the Board if they have an idea of how much of an expense a survey would be since he doesn't have any idea how much that will cost. Mr. Owen wants to have as little expense as possible and has money sitting in escrow to build the garage. Mr. Roberts suggests that building a garage of that size could cost up to \$20,000.00. Mr. Owen says that since he is pretty handy himself and estimated the cost of the garage to be about \$12,000.00. Mr. Wilkinson says that they've had problems before with homeowners drafting their own plans; they ended up being off a few feet here or there. Mr. Wilkinson lets Mr. Owen know that when they are this close to property setbacks, a few feet make a big difference. Mr. Roberts lets Mr. Owen know that he may want to consider continuing for thirty (30) days in order to price out plans to see if it's something he wants to do and if not, the Board can still consider what has already been submitted. Mr. Owen asks the Board what the distance would need to be from the road to the garage. Mr. Owen says he clearly can't do the 40' requirement from the front. Mr. Roberts shows Mr. Owen he needs to measure in from the property lines to find out what area he has to work with to place his garage. The Board requires a to-scale schematic showing where the structure will be as well as the required variances needed from the property lines. Mr. Owen says that if he needs to have someone come to survey the property then he will because it's important for him to have his stuff in a garage. Ms. Bleier confirms that he would like to continue to next month. Ms. Bleier suggests that if he doesn't want the expense of a professional survey to put something together himself that is a little more precise for the Board to review. Mr. Wilkinson clarifies for Mr. Owen that he should pinpoint where the road right-of-way starts versus his property line- not from the road. Ms. Bleier asks for a motion to continue. Based on the applicant's request, Mr. Roberts makes a motion to continue this public hearing until the next regularly scheduled meeting in March. Mr. Blake points out that that date falls on the same date of the Special Town Meeting. Mr. Roberts withdraws his motion. Mr. Roberts makes a **motion** that the next ZBA meeting be held on March 13, 2018 instead of March 6, 2018 because of the scheduling conflict with the Special Town Meeting on March 6, 2018. Mr. Wilkinson **seconds the motion**. All in favor. **Motion passes**. Mr. Roberts asks Mr. Owen if March 13, 2018 is acceptable to him. Mr. Owen agrees. Mr. Roberts makes a **motion** to continue the public



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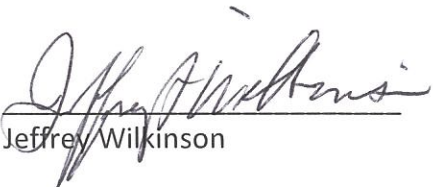
hearing to March 13, 2018. Ms. Lennartz **seconds the motion**. All in favor. **Motion passes**.
Mr. Owen thanks the Board for their time and leaves the meeting.

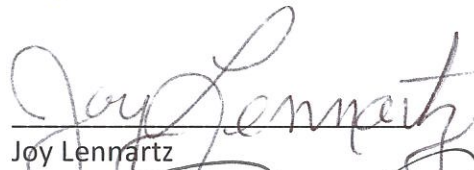
Adjournment

Mr. Roberts makes a **motion** to adjourn. Ms. Lennartz **seconds the motion**. All in favor.
Motion passes. The public hearing is adjourned at 7:52 PM.

Meeting Minutes Reviewed and Approved on April 3, 2018 by:


Victoria Bleier, Chairperson


Jeffrey Wilkinson


Joy Lennartz


Alvin Blake


George Roberts