

Great Barrington Zoning Board of Appeals

Minutes of Dec. 19, 2013, meeting.

Attending were Chairman Ron Majdalany, Vice-Chairman Carolyn Ivory, Kathy Kotleski, Madonna Meagher, Michael Wise, John Katz and Don Hagberg. The meeting opened at 7:30 p.m. at Great Barrington Town Hall.

The chairman opened a public hearing on the variance petition of **Stephen Bennett** (823-13) for property on Long Pond Road. The secretary read the notice of the hearing and said it had been advertised, posted and mailed to abutting property owners. Mr. Bennett appeared at the hearing with Marc Volk of Foresight Land Services. The board received favorable recommendations from the Planning Board, Board of Selectmen, Conservation Commission and Board of Health.

Mr. Volk said the wooded site, near Round Pond, has a spine of ledge and up to 60 percent slopes. Placement of a four-bedroom house and a septic system are dictated by topography under appropriate permits including the water Quality District. Mr. Bennett seeks to place a two-car garage within a 25-foot setback from the road, rather than the prescribed 50-foot setback. Such placement would reduce the need for blasting to remove ledge, and would preserve the ledge spine as a visual feature.

Ms. Meagher asked why the garage was necessary, given the property's constrictions. Mr. Bennett said he wanted to be able to store vehicles undercover particularly in winter, and also have some storage area for yard equipment including snowblower and for trash as it was not yet certain the new home would have a basement. Mr. Wise asked why the garage could not be located in a flat area. Mr. Volk said there is still a grade change of about 6 feet in that location and considerable ledge that would cost \$20,000 to \$25,000 to reduce. He suggested there would be more environmental damage in building there, plus there has to be a 10-foot setback from the septic. The hearing closed at 7:37 p.m.

In general discussion of the application, Mr. Wise said it is a tough site to build on. He said a garage is a reasonable amenity and it would be preferable to keep destruction to the ledge at a minimum and preserve the ledge spine as it is attractive. Ms. Ivory asked about screening and Mr. Volk said existing trees would remain and there would perhaps be some understory plantings. There would be no fence.

The chairman guided the board through discussion of points to be determined in granting a variance. On the matter of topography, members agreed ledge and grade were issues on the property. Mr. Bennett said there were homes to the north of his lot that had been built prior to zoning and Water Quality Act restrictions and the homes were closer to the water. To the south, lots are larger though they still have ledge issues. Members agreed the lot was a unique situation in that zoning district.

On the matter of hardship if the garage couldn't be placed here, on a roll call Mr. Wise, Ms. Kotleski, Ms. Ivory and Dr. Majdalany said yes, Ms. Meagher said no. Mr. Katz pointed out that when the area was zoned R-1-A, the setback requirement was 25 feet, but now it is 50 feet. He suggested that lack of a garage could be inconvenient to the owner and also a limitation on future sale of the home. Mr. Hagberg said the requested placement would have less visual impact than in another possible location.

On the matter of public detriment, board members saw none. On the matter of whether the building lot's limitation being self-created, board members said no. On the matter of derogation from the intent of the bylaw, board members said allowing the construction would not unduly overcrowd the neighborhood. Ms. Ivory moved to grant the variance petition to reduce the setback requirement for the building lot from 50 feet to 25 feet due to the confining topography. Mr. Wise seconded. Mr. Wise, Ms. Kotleski, Ms. Ivory and Dr. Majdalany voted in favor, Ms. Meagher voted against. The motion needed four votes for approval. Mr. Wise said he would write the decision.

The board on a motion by Ms. Ivory, seconded by Ms. Kotleski, approved the **minutes of Nov. 12, 2013**.

On the **Lynn Hutchinson/Brian Schwab** appeal, the secretary reported that Alexandra H. Glover, representing the couple, has asked that the matter be extended a third time, to March 1, as the

Conservation Commission has determined an order of conditions but the building inspector has yet to complete his paperwork.

On the **Shapiro/Bell court appeal**, Ms. Kotleski said the flow of paperwork coming to her should go to town counsel.

Ms. Ivory commended Mr. Wise, as chairman of the town's **Master Plan Committee**, Town Planner Chris Rembold and others on the committee, for the 2013 Comprehensive Planning Award from Massachusetts Chapter, American Planning Association. Mr. Wise noted that other awards from the organization went to professional consulting firms; Great Barrington was the only recipient to have done all the work in-house. The new Master Plan was approved by the Planning Board and Selectmen in October 2013.

The meeting adjourned at 8 p.m.

Respectfully submitted

Bernard A. Drew
Secretary

A handwritten signature in cursive script that reads "Bernard A. Drew".