



Georgetown Zoning Board of Appeals

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

May 1, 2012

MINUTES OF A PUBLIC HEARING

ZBA FILE #12-04

**Thomas & Robin Newhall – 513 North Street, Georgetown, MA
Special Permit**

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

Zoning Clerk: Patty Pitari
Thomas & Robin Newhall - Applicants

J. Moore opens the Hearing at 7:31pm., and introduces the board members.

D. Kapnis reads legal ad; An application has been made by Thomas & Robin Newhall of 513 North Street, Georgetown MA, 01833, in the RB district and identified on Assessor's Map 18, Lot 73. The applicant requests a Special Permit 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 Accessory Building Bylaw, to place an above ground pool being on a corner lot with frontage on both Noyes and North St. The proposed pool is located 15 ft. from the Noyes Rd front setback were 30 ft. is required. Section 165-10.1 allows the ZBA to reduce the setback by 50% for pools.

Applicants Presentation

Robin & Tom Newhall, Owners/applicants – We have 3 little girls who ride horses and we have a paddock and the septic is in the middle of the backyard, and we would like to put the pool next to the house and gets close to the in the side yard, to keep an eye on the kids, we found out it was too close to the lot line.

Letter of description of project submitted with application;

Have been resident of town for the last 9 years, our yard is divided as such that the horses have their area and our children have their area. At the time of purchase, the property we purchased was in poor condition. Over time, we have been able to make many improvements to upgrade and improve the property. We would like to construct a 24 ft. round above ground pool, our reasons for the placement of the pool as to be able to closely monitor the pool not only from our deck but from the house as well. Given the layout of our property, and the fact that we are a corner lot, this would prove extremely difficult given current regulations. Additionally the presence of the septic system in the yard requires the pool to be a certain distance from it and the location we have for the pool would be ideal to meet this requirement

J. Moore – The Accessory Building bylaw applies. This is a new amendment to the bylaw.

J. Moore – So the septic is right behind the house.

T. Newhall – It is near the deck, it takes up most of the backyard, the other side is the garage.

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

T. Newhall – We could place it behind the barn, but we can't see the kids from there.

J. Moore asked Patty if there was any new correspondence.

Patty – No, except she printed out the assessor's map and spoke to the office and the house was there before Noyes Road was constructed, so it' was an existing lot, before Noyes Rd.

G. Thibeault – What is the setback front the front for RB?

J. Moore – 30ft. front and 20 both sides.

P. Shilhan – Do you have any buffer, trees or anything between you and the side street, Noyes?

T. Newhall – Right now we have huge arborvitae trees which we are going to continue and fill in, and the Building Inspector gave us the code for the fence, 4 ft. fence around the pool and the gate has to be 54 inches from the ground.

Audience:

Arku Gioia, 507 North St. – I am next door neighbor, he has lots of screening, but I have no problem with the project.

D. Kapnis – I don't have any issues. The screening seems good.

G. Thibeault – It's within the 50%.

J. Moore – As an aside this amendment was put through for circumstances where we it would grant reasonable relief from the board, for circumstances that made sense, there was a time where variances were frivolously granted in cases of pool/sheds etc....particularly for near downtown where the lots are smaller, and most of these applications would not be reasonable denied.

Motion - P. Shilhan – I make a motion that the board grant a Special permit that the Board Grant a Special Permit to Thomas & Robin Newhall of 513 North Street, Georgetown MA, 01833, in the RB district and identified on Assessor's Map 18, Lot 73, 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, to place an above ground pool 15 ft. from the Noyes Rd. side of the lot. The proposed pool is located 15 ft. from the Noyes Rd front setback officially where 30 ft. is required. Section 165-10.1 allows the ZBA to reduce the setback by 50% for pools.

The Board further found that 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. Seconded by D. Kapnis, no further discussion.

Roll call Vote:

P. Shilhan – Yes, D. Kapnis – Yes, G. Thibeault – Yes, S. Freeman – Yes, J. Moore – Yes.

All in Favor, no discussion, Motion carried. **Special Permit is granted unanimously.**

J. Moore - There is 20 days for an appeal period, following the 14 days the clerk has to file a written decision.

An applicant may file this decision before the 20 days, but does so at their own risk.

Motion - to close the hearing on 513 North Street, G. Thibeault/P. Shilhan, all in favor at 7:46pm.

Patty Pitari
Zoning Administrative Assistant

Approved - June 5, 2012