



Georgetown Zoning Board of Appeals

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

Phone (978) 352-5742 ♦ Fax (978) 352-5725

MINUTES OF A PUBLIC HEARING

ZBA FILE File #14-06

Daniel J. & Cora J. Swimm of 4 Crescent Meadow Lane

Special Permit

January 7, 2014 @ 7:30pm

Board Members Present:

Paul Shilhan, Chairman
Gina Thibeault, regular member
Sharon Freeman, regular member
Jeff Moore, regular member
Dave Kapnis, regular member – Absent

Zoning Clerk: Patty Pitari

Applicant present:

Cora & Daniel Swimm

P. Shilhan opened the Hearing at 7:30pm, and read the Rules of Procedure paragraph.

S. Freeman read legal ad: A Public hearing will be held on January 7, 2014 at 7:30pm at the Georgetown Town Hall 3rd Fl. Meeting Room at for an application filed by Daniel J. & Cora J. Swimm of 4 Crescent Meadow Lane, Georgetown, MA , Map 2, lot 33D, in the RC zone. The applicant requests a Special Permit pursuant to M.G. L. Chapter 40A, § 9, & the Georgetown Zoning bylaws, Chapter 165 § 9, 10.1, 78 & 79, to place an in-ground pool 50% closer to the side and rear lot lines than allowed in RC zone. Chapter 165- § 10.1 allows side & rear setback reductions by 50% for accessory structures and pools. *ZBA File #14-06*

Chairman Paul Shilhan introduced the Board members. And let them know that with a special permit they need a unanimous vote because we are missing a member.

Applicants Presentation:

Dan Swimm – We want to pool right behind the house, there is an existing patio, the elevation goes up a bit about a 20% grade then it levels at the top, and stairs up to the pool in the back of the house.

Cora Swimm – We just purchased the home.

S. Freeman – There is quite a distance between the patio and the pool, why.

Dan Swimm – Because of the grading.

J. Moore – What on the front side, opposite side.

Cora – The golf course.

S. Freeman – It sounds like the reason of the distance between the patio and the pool is because of the grade.

J. Moore – The closest you're getting is 27.3 ft.

Setbacks for Pool – Plans show rear lot line from pool as 37 ft., where 50 ft. is require in RC zone
Side lot line from pool to side closest is 27.3" then 29.2'

Brief discussion on abutting lots.

Dan Swimm – We spoke to the building inspector and asked if we hit rock if we could move it, he said it would have to be on the as-built.

J. Moore – As long as you stay within the 20ft, and the rear is 50 within the 50% which is 25 in back and 20 on side. Its undeveloped land and the back, and a potential house would be on the other side, I don't see a problem.

P. Shilhan – I think lining it up on the patio area is kind of critical you would not want it to be sideways, but I think it's important to make things work so you protect the value of your property.

Patty – I spoke to conservation they signed off on the building permit.

J. Moore – If you're thinking about a cabana or structure you need more relief from us, if you go closer, than allowed, you can't get relief within the setback . Patty – We spoke about that when they filed.

Plans – Marked Exhibit A.

Certified Plot Plan dated 11/5/13, by Sullivan Engineering Group, LLC, 22 Mt. Vernon Road, Boxford, MA 01921, Map 2, lot 33d.

Setbacks from patio on side is 20 ft., rear setback from patio is 25 ft.

New Correspondence – None

Audience - None

MOTION

J. Moore/ G. Thibeault to grant a Special Permit to Daniel J. & Cora J. Swimm of 4 Crescent Meadow Lane, Georgetown, MA , pursuant to M.G. L. Chapter 40A, § 9, & the Georgetown Zoning bylaws, Chapter 165 § 9, 10.1, 78 & 79, to place an in-ground pool 50% closer to the side lot line being 20 ft. where 40 ft. is required in the RC zone, and 25 ft. from the rear lot line where 50 ft. is required, per Chapter 165- § 10.1 that allows for side & rear setback reductions by 50% for accessory structures and pools and specifically 165-10.1 (e), with the following Condition;

Condition

1. There be no more than one detached accessory structure or pool with reduced setback on the lot.

J. Moore - I further move the Board further find that the application met Zoning Bylaw Chapter 165-79 (a-d);

1. The application is desirable to the public convenience or welfare;
2. 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;
3. Will not impair the integrity or character of the district or adjoining districts;
4. Will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

J. Moore – I amend my motion to include the plan Nov. 5, 2013, Exhibit A.

Vote:

S. Freeman – Yes, J. Moore – Yes, Gina – Yes, P. Shilhan – Yes, Motion carried 4-0.

P. Shilhan - The Zoning clerk has 14 days to file a decision any appeal of this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days after the date the notice of decision was filed with the Town Clerk. An applicant may file this decision before the 20 days but does so at their own risk.

Lapse of Special Permit - Per M.G.L. 40A §9, Special Permits granted shall lapse within a specified period of time, not more than two years, which shall not include such time required to pursue or await the determination of an appeal referred to in Section 17. If a substantial use thereof has not sooner commenced except for good cause, or in the case of permit for construction, if construction has not begun by such date except for good cause.

Motion – S. Freeman/G. Thibeault to close the hearing for 4 Crescent Meadow Lane, all in favor – yes, no discussion. Motion carried.

Patty Pitari
Zoning Administrative Assistant

Approved 2-4-14