

Great Barrington Zoning Board of Appeals

Minutes of March 10, 2015, meeting.

Attending were Chairman Ron Majdalany, Vice Chairman Carolyn Ivory, Kathy Kotleski, Michael Wise and alternate Don Hagberg, who sat in for Madonna Meagher.

The chairman opened the public hearing at 7:30 p.m. on the special permit application of Paul Greene on behalf of **Nicki Wilson** to construct a screened porch on the rear of a pre-existing, non-conforming dwelling at 80 Castle Hill Ave. (Case 837-15). The notice for the hearing was properly posted and advertised and mailed to abutting property owners of record. Members made a site visit prior to the hearing.

Mr. Greene said the house dates from about 1830. The application is to replace a deck with a screened porch. A corner of the house is 2 feet from a property line. The deck is 6 feet from the line. The desire is to put the screened porch no closer than 4 feet from the property line. In answer to a question from the chairman, Town Planner Chris Rembold said the house shows on an 1884 bird's eye view of the town and on 1904 and 1926 maps, well before the town adopted zoning in 1932. He said the house was there, but to be sure the property line was there, he pursued deeds and was satisfied. Mr. Wise pointed out no porch showed on the 1904 map. The recording secretary read favorable letters from the Board of Selectmen and the Planning Board. No one spoke from the audience. On a motion by Mr. Wise, seconded by Mr. Hagberg, the hearing closed at 7:35 p.m.

Ms. Ivory pointed out it is not unusual to build near or on the property line in this neighborhood. Dr. Majdalany noted the proposal would slightly increase nonconformity but still be less than the closest part of the house. The board ran through criteria for approving a special permit and by voice unanimously found: More detrimental? No. Serve community needs? Neutral. Increase traffic flow? Not applicable. Use more utilities? Not applicable. In character with the neighborhood? Yes. Impact on the environment? No. Increase use of town services? Insignificant. Mr. Hagberg moved to approve the special permit, Ms. Ivory seconded, all voted in favor.

On a motion by Ms. Ivory, seconded by Ms. Kotleski, members voted to approve the regular meeting minutes of Feb. 10, 2015.

In other business, on a motion by Ms. Kotleski, seconded by Mr. Hagberg, board members designated Mr. Wise as representative to work with town counsel Kopelman and Paige on matters involving special permit Shapiro/Bell litigation.

The board at 7:40 p.m., on a motion by Ms. Ivory, seconded by Mr. Hagberg, voted to go into executive session to discuss Bell/Shapiro and Hutchinson litigation and not return to open session.

Respectfully submitted

Bernard A. Drew, Secretary

