

ASHFIELD ZONING BOARD OF APPEALS

**Public Hearing**

Thursday, July 16, 2015

7:00 p.m.

Town Hall, Ashfield

**MINUTES**

Case #: 2015-1

Joseph Ragan, agent for owners Carol J. and David L. Pepyne

Application filed by Joseph Ragan on June 9, 2015 for Special Permit to demolish existing non-conforming structures on a lot at 134 Ashfield Mountain Road (Map 7-1, Lot 09) and construct a two-car garage. Joseph Ragan (Ragan Builders) is acting as agent for the property's owners, Carol J. and David L. Pepyne.

**Present:** ZBA members: Mollie Babize, Chair; Kit Nysten; Anne Yuryan; Michael Melcher, Associate  
Joe Ragan, petitioner, 467 West Road, Ashfield  
David Pepyne, property owner

**Supporting documents:**

Signed application for Special Permit

Property deed for 134 Ashfield Mountain Road dated May 14, 2007 (Book 5320, Page 86)

Portion of Assessor's Map 7-1 showing lot and building

Drawing of property at 1" = 100' showing footprint of house and current structures (carriage shed and workshop), as well as footprint of the proposed garage

Scale drawing (1/8" = 1') of the existing and proposed structures

Letter from Building Commissioner Jim Hawkins denying demolition permit and indicating a Special Permit is needed

Hearing opened at 7:04 p.m.

**Background:**

Mr. Pepyne wants to demolish an old carriage shed and workshop attached to the house and construct a two-car garage in their place. The lot is approximately 5 acres and has more than 450 feet of road frontage on Ashfield Mountain Road (Route 112). The house was built in 1910 and has been in the Pepyne family since the 1960s. When Route 112 was widened/upgraded in the late 1960s, the state took land from the front of the lot for the road right-of-way, creating a non-conforming setback of the workshop from the property line of two feet. The old structures are non-conforming under current bylaws, but grandfathered. There is no foundation under either the workshop or the carriage house—the carriage house rests on a concrete slab, the workshop has a wood floor.

Building Commissioner Jim Hawkins denied Mr. Ragan's application for a building permit to destroy the carriage house and workshop and build a garage, citing Section III.A.2.a of Ashfield's zoning bylaws, which requires a Special Permit from the ZBA for such alterations.

The Notice of Public Hearing was posted with the Town Clerk and mailed to the certified list of abutters on June 25, along with Planning Boards of adjacent towns and the Building Commissioner. The Greenfield Recorder published the announcement of Public Hearing on July 1 and 8.

**Discussion:**

This is a request to demolish two non-conforming structures and construct a two-car garage at the same spot. At a proposed maximum size of 30x30 feet, the new garage and attached shed will be larger than the combined area of the existing carriage shed (13x19 feet) and workshop (15x14 feet), but the front of the building facing the road will be 3½ feet farther back from the Route 112 property line, thus slightly reducing the non-conformity. The proposed 24x30-foot garage will be designed to blend with the style of the house, and will be connected to the house through an existing porch. It will have arched doors, a peaked roof with cupola, and possible loft space. The space nearest the road will be a storage area and will have a lower profile.

Mr. Pepyne said the current carriage shed is too small to accommodate his vehicles, which are parked in the driveway. Mr. Ragan commented that the 30x30-foot size of the garage and shed is the maximum possible size, and it might be smaller. The garage doors would face north rather than out toward the road, and cars would use the existing curved drive to exit onto Route 112.

No other parties appeared at the public hearing or sent any comments to the ZBA.

In order to grant a Special Permit, the ZBA must consider the activity, traffic, site plan, and building plan and find all the following general conditions to be fulfilled:

1. the proposal will not overload any public water, drainage, or sewer system or any other municipal services to such an extent that the town will be unduly subjected to hazards affecting health, safety, or general welfare;
2. the impact on adjoining premises of sound, light, odor, noise, and other disturbances is avoided or minimized;
3. the proposal will avoid or minimize topographic change, unnecessary removal of mature trees, shrubs, or other botanical assets, erosion or siltation, storm water runoff, or displacement of rare or natural wildlife habitats;
4. the proposal will not cause surface or groundwater pollution, surface or subsurface drainage detrimental to abutting properties, or other adverse effects upon the natural environment in the area where the use is located;
5. there is adequate traffic safety at entrances to public ways;
6. the proposal is compatible with the neighborhood character;
7. additional requirements listed under General Regulations for alterations, off-premises signs, and driveways and under Use Regulations for residential uses and for cottage industries and home occupations are met

The proposed 30x30-foot garage will not have any plumbing attached, and will not overload any public water, drainage, or sewer system, nor any other municipal service. It will not cause any sound, light, odor, or noise disturbance to adjoining premises. It will not cause removal of trees or shrubs or displacement of wildlife habitats. Because the property abuts Ashfield Lake, the Conservation Commission should be consulted to ensure that the construction does not create problems with runoff or erosion. The addition of the garage will not cause any traffic safety hazards—the doors will face the existing driveway, which is circular to prevent having to back out onto Route 112. The garage is compatible with the neighborhood character, as it matches the house in appearance and scale. All additional requirements under General and Use regulations are met.

A motion was made and seconded to grant David Pepyne, as property owner, a Special Permit to demolish the carriage shed and workshop at 134 Ashfield Mountain Road and construct a garage not larger than 30x30 feet, as described in the application and supporting documents. The plan must be presented to Ashfield's Conservation Commission for approval before construction begins. Construction must begin within one year.

The motion was approved unanimously, and the Special Permit was granted.

Public hearing adjourned at 7:40.

ZBA meeting continued at 7:45.

The Zoning Board received a copy of a letter from the Building Commissioner denying a building permit for an addition to Elmer's Store and referring the applicant to the ZBA, but the application has not yet been filed, so no meeting date was set.

Our budget has been raised for this fiscal year, and we hope to be able to attend a couple of Citizen Planner Training Collaborative (CPTC) courses.

Meeting adjourned at 8:00.

Respectfully submitted,

Kit Nylén