

ASHFIELD ZONING BOARD OF APPEALS

Public Hearing

Tuesday, August 12, 2014

Town Hall, Ashfield

7:00 p.m.

MINUTES

Case #: 2014-1

Gordon Howes

Application for Special Permit to demolish and rebuild a non-conforming dwelling on a non-conforming lot at 162 Buckland Road (Map 7-2, Lot 58). Mr Howes is in contract to purchase the property from the current owners, Peter and Helen Billy of 236 Wellington Road, Mineola, NY 11501.

Present: ZBA members: Mollie Babize, Chair; Kit Nysten; Anne Yuryan
Gordon L. Howes, petitioner, 52 Canal Street, Weatogue, CT 06089
Tim Parker, petitioner's buying agent
Phil Pless, selling agent for the Billys
Douglas Pease, abutter

Supporting documents:

Signed application for Special Permit
Assessor tax card for property
Property deed for 162 Buckland Road, Book 1679/Page 22 (accessed online, later downloaded/printed)
Rough scale drawing of property—current dwelling footprint marked, as well as footprint of the proposed dwelling
Email from Building Commissioner Jim Hawkins indicating a Special Permit was needed
Plan for proposed dwelling on the site.

The hearing was opened at 7:04 p.m.

Mr Howes stated that he is in contract to buy the property at 162 Buckland Road, with the purchase contingent on receiving a Special Permit to demolish the existing dwelling and rebuild on the same spot. The building is uninhabitable. It has a water hookup. The water was turned off several weeks ago. Abutter Doug Pease believes there is a cistern as well, which was capped off and may or may not have been recently pumped. Mr. Pease voiced support for Mr. Howes' plans, describing the property in its current state as an eyesore.

Building Commissioner Jim Hawkins informed Mr. Howes that he would need a Special Permit in order to demolish and rebuild at the site. Mr. Howes said that he discussed various issues with the lot and the structure with Mr. Hawkins, and that Mr. Hawkins encouraged increasing the setback from the side boundary. The proposed dwelling, at 1,000 square feet, is approximately the same size as the current building, but the setback on the side is increased to 10 feet from 6 feet, decreasing its non-conformity. Since submitting the proposed plan, he has altered it to include a garage underneath the house and slightly changed the dimensions (from 30x32 feet to 28x36 feet) to allow for adding the garage. The front of the building will also be moved back about 4 feet.

At 7:35 the board and participants went to the lot for a site visit and inspected the property and current house.

The group reassembled back at Town Hall at 8 p.m., whereupon the Public Hearing was closed and deliberations began.

This is a request to replace a non-conforming building on a non-conforming lot with a slightly less non-conforming building, which would be 4 feet farther from the side property line. The front of the building will be moved back about 4 feet from where the current building ends.

The project will not overload public water, drainage, sewer, or other town systems or services. There would be no impact on adjoining premises of sound, light, odor, noise or other disturbances. The project may necessitate removal of some trees to reduce hazard during construction and for the building. A condition of the Permit would be to complete hookup to the town sewer.

The construction should be done in a manner that provides infiltration of runoff rather than discharging it off-site. The Conservation Commission will specify what has to be done to prevent drainage problems and other adverse effects on the environment. There is adequate traffic safety at the entrance to the road. The proposed house will greatly improve the aesthetics of the lot and improve neighborhood character, as the current house is in disrepair and the grounds untended.

After discussion, a motion was made to grant Gordon Howes a Special Permit to remove and rebuild a non-conforming structure on a non-conforming lot at 162 Buckland Road, as shown on map 7-2, lot 58. The Special Permit is contingent on his purchasing the property, completing the hookup to the town sewer, and conforming to any restrictions or mandates issued by the Conservation Commission because of the property's proximity to Ashfield Lake. Demolition/construction must begin within a year.

The vote was unanimous in favor of granting the Special Permit.

The board will meet next on Tuesday, August 19 at 5 p.m.* to finalize the writing and filing of the decision and notice of decision.

Meeting adjourned at 8:43.

Respectfully submitted,

Kit Nylén

*Meeting later changed to Thursday, August 21 at 5 p.m. due to schedule conflict.