

ASHFIELD ZONING BOARD OF APPEALS

Public Hearing

Thursday, September 17, 2015

7:00 p.m.

Town Hall, Ashfield

M I N U T E S

Case # 2015-2: Jeff Hoyt and Case# 2015-3: Nan Parati

CASE# 2015-2

Application filed by Jeff Hoyt on August 24, 2015 for Special Permit to build an addition to a lawfully existing non-conforming structure on a non-conforming lot at 325 Buckland Road (Map 4-1, Lot 25).

Present: ZBA members: Mollie Babize, Chair; Kit Nysten; Anne Yuryan; Michael Melcher, Associate
Jeff Hoyt, owner
Gregg Gilmore, abutter

Supporting documents:

- Signed application for Special Permit
- Letter dated 8/19/2015 from Building Commissioner Jim Hawkins to Judith Hoyt, the applicant's sister and tenant-in-common of the property, denying building permit and indicating a Special Permit is needed
- Property deed for 325 Buckland Road dated 12/28/1979 (Book 1605, Page 277)
- Decision of Ashfield Board of Appeals on 7/10/1970 granting a variance to permit construction of a seasonal cottage on the property
- Registered survey by Northeast Survey Consultants of the existing conditions at the site, including water and sewer lines, significant trees, and topographic contours at a 1 foot interval
- Plan (at the same scale) by ProTerra Design Group dated June 10, 2015, showing the proposed footprint of the addition and the property setbacks.
- In addition, Mr. Hoyt brought to the public hearing a set of architectural plans for the proposed addition.

Public hearing opened at 7:02 p.m.

Background and Presentation:

Mr. Hoyt is tenant-in-common with Judith Hoyt and John Hoyt of the property in question. Judith Hoyt is selling the home in Shelburne Falls where he has been living, and he intends to live year-round at 325 Buckland Road. Because he needs more room than the non-conforming cottage now situated on the lot affords, he wants to build a 16x20-foot addition to provide space for a bedroom and bathroom. The 1/4-acre lot is lawfully non-conforming. The cottage now on the lot was built in 1970 after a variance was granted by the Ashfield Zoning Board of Appeals.

Building Commissioner Jim Hawkins denied their application for a building permit for an addition to the house, citing Section III.A.2.a of Ashfield's zoning bylaws, which requires a Special Permit from the ZBA for alterations on a non-conforming structure.

The Notice of Public Hearing was posted with the Town Clerk and mailed to the certified list of abutters on August 26, 2015, along with Planning Boards of adjacent towns and the Building Commissioner. The Greenfield Recorder published the announcement of Public Hearing on September 2 and 9, 2015.

The proposed addition would increase the non-conformity of the structure, bringing it to about 7 feet from the south property line. The abutter to the south, Greg Gilmore of Laurel Mountain Drive in Shelburne Falls, attended the meeting and voiced his support of Mr. Hoyt's plan. His house is about 125 feet from Mr. Hoyt's south property line, and he has

no problem with the addition. The proposed addition will be about 40 feet from the front property line and 76 feet from Ashfield Lake. No other parties appeared at the public hearing or sent any comments to the ZBA.

Because of the property's proximity to Ashfield Lake, Mr. Hoyt filed his plan with the Ashfield Conservation Commission, which approved it.

The addition will be built into the bank to improve access into the building from the road. Mr. Hoyt showed the board architectural drawings, which show the addition to be about 22 feet tall, and the roof 10 to 12 feet above the elevation the road. A 6x8-foot storage shed now on the property will be removed. The driveway will not be altered. Some trees, mostly hemlock, will have to be removed, but the mature oak trees on the property will be retained.

It is not possible to build the addition from the north side of the house, as it is already only 6 feet from the property line on that side and the current sewer connection extends to the road along that side. Building a second floor onto the existing house would be cost-prohibitive because the old roof would have to be replaced and the structure is probably not strong enough to support a second floor.

Public Hearing closed at 7:27.

Board's Discussion:

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 addition will include a bathroom, but 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. The construction will change the topography of the lot, but a retaining wall will prevent erosion, and runoff will be addressed. (Because the property abuts Ashfield Lake, the Conservation Commission has been consulted to ensure that the construction does not create problems with runoff or erosion.) Construction will cause removal of several trees, primarily hemlock, and will not cause displacement of wildlife habitats. The addition will not cause any traffic safety hazards. It will be compatible with the neighborhood character, and will blend with the house in appearance and scale. All additional requirements under General and Use regulations are met.

The board has some concern about possible erosion on the very steep slope due to construction, and wants to ensure that measures are taken to control such erosion, to manage drainage and runoff post-construction, and to stabilize the slopes.

A motion was made and seconded to grant Jeff Hoyt, as property owner, a Special Permit to construct an addition no larger than 16x20 feet to the existing house at 325 Buckland Road. Construction must begin within one year. Runoff must be managed during and after construction to eliminate siltation and erosion.

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

Deliberation was closed.

CASE# 2015-3

Public hearing opened at 7:45 p.m.

Application filed on 8/26/2015 by Nan Parati, 29 South Street, Ashfield, on August 24, 2015 for Special Permit to add an 8x20-foot addition to the lawfully existing non-conforming structure (Elmer's Store) on a non-conforming lot at 396 Main Street (Map 7-4, Lot 20).

Present: ZBA members: Mollie Babize, Chair; Kit Nysten; Anne Yuryan; Michael Melcher, Associate
Nan Parati, owner
Sandy Lilly, Cape Street, accountant for Elmer's Store

Supporting documents:

- Signed application for Special Permit with accompanying letter dated 8/24/2015
- Letter dated 8/18/2015 from Building Commissioner Jim Hawkins denying building permit and indicating a Special Permit is needed
- Property deed for 396 Main Street dated 9/1/2005 (Book 4935, Page 296)
- Street map showing lot 20 and surrounding lots, 1 inch=90 feet
- Scale map (1 inch=24 feet) showing property dimensions
- Scale drawing of property (1 inch=24 feet) showing existing structures and proposed addition

Public hearing opened at 7:45 p.m.

Background and Presentation:

Building Commissioner Jim Hawkins denied Ms Parati's application for a building permit for the addition, citing Section III.A.2.a of Ashfield's zoning bylaws, which requires a Special Permit from the ZBA since it does not meet the 25-foot setback requirement.

The Notice of Public Hearing was posted with the Town Clerk and mailed to the certified list of abutters on August 26, 2015, along with Planning Boards of adjacent towns and the Building Commissioner. The Greenfield Recorder published the announcement of Public Hearing on September 2 and 9, 2015.

According to Ms Parati's letter, Elmer's Store (or Crafts Store) was built as a general/grocery store. The building was constructed as a single-story with one room. In the early 20th century a second story was added, in the mid 20th century a side room was added, and later a kitchen was added. Ms Parati installed a new kitchen after purchasing the property in 2005. She now wants to expand the kitchen so she can do more catering, serve meals more nights a week, and take on bigger catering jobs—all things she needs to do to maintain a profitable business. At 10x12 feet, the present kitchen is inadequate to prepare and cook meals for eat-in diners, let alone to cater large, off-site events. She needs to be able to make as much money as possible in the summer in order to make it through the long winter months when business drops off. Elmer's has about 25 employees during the summer months, and about 18 during the winter.

The building, regardless of the business it houses, has been a vital part of Ashfield and its community for 180 years. It has been expanded twice in the past to maintain business there and Ms Parati hopes this kitchen expansion will maintain the draw and the feel it brings to the community of Ashfield.

According to the scaled property map, the current non-conforming building is 9.6 feet from the property line along Main Street, and 16.8 feet from Norton Hill Road. The garage in the southeast corner of the property is 2 1/2 feet from the east property line. The proposed 8x20-foot addition would extend from the existing kitchen to the east, ending just over 19 feet from the east property line and 26 feet from the north property line. Although the addition oversteps the required 25-foot setback, it would be less non-conforming than the existing (attached) garage.

The building currently is a not a very energy-efficient structure. This addition will be fully insulated, improving energy efficiency.

Ms Parati had considered expanding the kitchen into the interior area used as a gallery area, but found it would not provide the extra space needed. Also, it would have been cost-prohibitive to redo the present kitchen in addition to renovating the gallery space. That space has been turned into a bar, thus keeping it as an area that produces revenue year-round. Neither the second floor space nor the basement are viable options, as the former would require an elevator, and the latter would require expensive excavation.

The addition will be a prep space filled with tables and storage, and will not have any additional plumbing. The hood fan which exhausts the kitchen will not extend any further than it currently does, and exterior lighting will be directed to the south, away from the abutter to the east and blocked by the walk-in cooler to the south.

Ms Parati stated that her abutter to the east, Keith Goldsmith, has told her he has no objections to the addition.

Members of the ZBA expressed concern about parking, which has increasingly become a problem in the village in recent years. On weekend mornings and during special events, cars are often parked on both sides of Norton Hill Road, making it too narrow for two cars to pass, creating a hazard for pedestrians and possibly prohibiting emergency access. The parking problem impacts those who live in the village, who sometimes have their driveways blocked by cars. We discussed with Ms Parati possible ways to alleviate that. She is eager to help solve the problem, and will consider making space for some cars to park at the Inn at Norton Hill and speak with the highway supervisor about putting signs on Norton Hill banning parking on the east side, will ask the First Congregational Church if their parking lot could be used for her staff and customers other than on Sunday mornings, and will try to find space for a bicycle rack to encourage people to bike rather than drive to town.

Public Hearing closed at 8:17.

Board's Discussion

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 addition will not include plumbing and will not overload any public water, drainage, or sewer system, nor any other municipal service. It will not cause any additional sound, light, odor, or noise disturbance to adjoining premises—the outside lights will not point toward the abutting property, and the exhaust fan and vent will not be moved. The construction will not cause pollution, erosion, or drainage problems or have adverse environmental effects. The addition will not cause any traffic safety hazards. It will be compatible with the neighborhood character, and will blend with the building in appearance and scale. All additional requirements under General and Use regulations are met.

A motion was made and seconded to grant Nan Parati, as property owner, a Special Permit to construct an addition no larger than 8x20 feet and no closer to the east property line than 19.5 feet to the east side of the existing building at 396 Main Street. Construction must begin within one year. We strongly encourage Ms Parati to take steps to alleviate the parking problems that occur when large numbers of customers come for meals or special events. This could include finding off-street places for customers and staff to park, installing a bike rack, and speaking with the highway supervisor about posting No Parking signs along the east side of Norton Hill Road.

The motion to grant a Special Permit was approved unanimously.

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Kit Nylén