

ASHFIELD ZONING BOARD OF APPEALS

**Public Hearing**

Wednesday, May 18, 2016

7:00 p.m.

Town Hall, Ashfield

**M I N U T E S**

Case # 2016-1: Sheralyn Scott

**CASE# 2016-1**

Application filed by Sheralyn Scott on April 4, 2016 for a variance or special permit to replace an existing addition to a lawfully non-conforming building on a lawfully non-conforming lot with a new addition and a single-car garage. The property is at 8 Bronson Avenue (Map 7-2, Lot 9), recorded in Franklin County Registry of Deeds in Book 3197, Page 36.

**Present:** ZBA members: Mollie Babize (Chair), Kit Nysten, Anne Yuryan,  
Michael Melcher (Associate)  
Sheralyn Scott, John Angleman  
Susan Stark, Nancy Hoff

**Supporting documents:**

Signed application for Special Permit  
Letter of denial from Building Commissioner Jim Hawkins dated 3/14/16  
Copy of Town of Ashfield tax map 7-2, lot 9  
Property deed, including registered boundary line agreement with the town of Ashfield, and registered survey map  
Proposed site plan from Greenline Construction Services, dated 3/7/16, showing existing wing to be removed and the footprint of the proposed additions, which include new front porch, living/dining/kitchen/bedroom addition, and single-car garage  
Client brief articulating the rationale for the proposed work  
List of all abutters within 300 feet certified by the Board of Assessors on 3/22/16  
Tax sheet for the property  
(Architectural elevations and plans were not complete and not included in the submittal packet.)

Meeting called to order at 7 p.m.

Public hearing opened at 7:05 p.m.

**Background and Presentation:**

On April 29, notice of public hearing was posted online at ashfield.org and at Ashfield Town Hall and mailed to abutters, the building inspector, and planning boards of neighboring towns.

The house at 8 Bronson Avenue was built in 1872, and has been added to several times in the intervening years. The lot is approximately 6,100 square feet in size. There is also a shed on the

property. Both structures are grandfathered, non-conforming structures on a grandfathered, non-conforming lot. The house is bordered by Buckland Road to the west, Bronson Avenue to the north, a town parking lot to the east, and the South River/Reservoir Brook to the south.

Sherrie Scott and John Angleman will be living in the house, and want to partially rebuild the main house and construct a new addition facing north toward Bronson Avenue and an additional structure (single-car garage with sheltered access to the home) on the end of the home facing east and abutting a town parking lot. The existing enclosed front porch will be removed, replaced with a new porch of about the same size. The existing front deck/stairs and walk will be removed. An existing shed, which is about 11 feet from the east property line, will remain.

The old part of the house is on a stone foundation, with the bathroom on the ground. They plan to put in a new foundation. A new garage/storage structure will reduce the setback on the east property line from 21½ feet to about 11 feet, which is the setback of the currently existing shed toward the rear of the property. An existing wing at the back of the house will be removed. The setback on Bronson Avenue will remain at about 9 feet. Setbacks at the rear of the property, along Reservoir Brook and Buckland Road, are unaffected by the proposed changes.

They filed a Notice of Intent with the Conservation Commission, which has approved their application with a set of conditions that will further stabilize the eroded embankment to the brook. Stockman Associates will provide stabilization plans and recommend suitable native plants for that embankment. A siltation fence will be installed prior to construction to prevent further erosion from runoff. At the recommendation of the Conservation Commission, Stockman Associates will provide a plan to further secure the bank of the property adjacent to the brook, maintaining the integrity of the water flow and the bank.

The single-car garage will be closer to the property line along the town parking lot than the current structure, but not closer than the existing shed. A Boundary Line Agreement with the town has been executed and filed with the Registry of Deeds. The official survey accompanying that agreement and the agreement have been submitted to the ZBA. The parking lot can never be used for residential purposes—the town will hold the land as a parking lot in perpetuity.

The planned porch replacement will be 9 feet from the Bronson road right-of-way to the north. Because the stairs are to be removed, the new porch will be less non-conforming than the old one.

Abutter Nancy Hoff, owner of Ashfield Hardware, came to the meeting to express her support for granting a special permit for the alterations and additions. Suzanne Corbett, also an abutter, wrote a letter to the ZBA expressing her support of the project as well and urging the board to grant a special permit. No other abutters expressed an opinion on the application.

Public Hearing closed at 7:33.

#### **Board's Discussion and Decision:**

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—the addition of insulation and modern windows and doors will added to the house;

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—one large maple tree on the property line bordering the town parking lot will have to be removed, but Eversource had indicated to Sherrie that they would have had to cut large sections of it out if it weren't removed;

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—the Conservation Commission is dealing with these issues;

5. there is adequate traffic safety at entrances to public ways—moving the driveway farther from Buckland Road makes it safer to enter/exit the garage.

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 Board determined that the proposed additions will not significantly extend the non-conformity. They have no effect on public water, drainage, or sewer system, will produce no sound, light, odor, noise, or other disturbance, will cause no topographic change, minimal removal of trees or plants, will cause no erosion or siltation, will not displace wildlife habitats; it will not cause groundwater pollution. There will be no changes to traffic safety and a positive change to entrances to public ways, and it meets all additional requirements under General and Use Regulations.

A motion was made and seconded to grant Sheralyn Scott a special permit to replace an addition and add a garage on her property at 8 Bronson Avenue. Construction must commence within a year of the issuance of the permit.

The motion was approved unanimously, and the special permit was granted.

Deliberation was closed at 7:50.

Meeting adjourned at 8:00.

Respectfully submitted,

Kit Nylén