



Town of Carlisle

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Office of

PLANNING BOARD

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MINUTES OF THE PUBLIC HEARING SCOTT AND JUDITH MUNROE : ACCESSORY APARTMENT SPECIAL PERMIT

April 12, 1993

The public hearing on the application of Scott and Judith Munroe of 354 Acton St., Carlisle, was opened by Chair Evans at 9:50. Present were Board members King, Ernstoff, Chaput, Colman and Foote. The hearing had been publicized in accordance with Mass. General Law Chapter 40A, Section 11: it had been advertised in the Carlisle Mosquito on March 26 and April 2, 1993, it had been posted at Carlisle Town Hall on March 22, 1993, and all abutters, as certified by the Board of Assessors, had been notified by mail. Because only five participating Board members were present (Mr. King being an abutter) and the Board anticipated that this hearing would require more than one night of testimony, and that by the next meeting the Board would have two new members, and because Mr. Munroe submitted a letter to the Board asking that the hearing be continued in order that he might work with his abutters, Mr. Evans declared that no testimony would be taken, and that the hearing would be continued until April 26, 1993 at 8:15. Mr. Munroe was asked to notify all his abutters of this continuance. The public hearing was temporarily adjourned at 9:57.

April 26, 1993: Continuation

Chair Evans opened the continued public hearing at 8:15. Board members present were Chaput, Ernstoff, Hughes, Colman, Yanofsky and Duscha. Attendees were asked to identify themselves and were told they would have a chance to speak. Present were Bob Zielinski of 382 Acton St., Rick King of 340 Acton St., Jim and Andi Gettys of 285 Acton St., and George Foote of Judy Farm Rd.

Plans for the apartment were reviewed; these included a plot plan, floor plans of both the existing house and the proposed addition, elevations of the addition, a sketch of the breezeway, and a drawing of the front of the entire proposed dwelling. The Board ascertained that the Munroes plan to live in the addition and to rent the existing dwelling portion. The Board asked where the additional vehicles would be parked. Mr. Monroe explained that he has a large unpaved driveway which can accommodate additional cars. The Board suggested that he plan some sort of screening between the parking area and the abutting house. Mr. Munroe volunteered to provide a fence. The Board asked for a plot plan type sketch of his parking and screening plans. Board members asked where the apartment entrance would be.

It was noted that Building Inspector Koning's letter reviewing compliance of the plan with the state building code had been superceded by a letter from Building Inspector Wetmore of Bedford, as Mr. Koning had excused himself as an abuttor. Mr. Wetmore indicated that the plan complied with the requirements of the state building code.

The public was asked for comments and questions on the plan. Rick King asked the Board to assure the house would look like a single family dwelling. He was concerned that the stairway to the apartment would detract from that goal.

Ms. Chaput and Ms. Hughes were troubled by the appearance of separateness of the two sections of the house. The Board suggested that a remedy might be to close in the breezeway.

Ms. Duscha asked if a single entrance to the apartment meets the fire code; Mr. Munroe replied that it does. Mr. King suggested moving the two sections closer together. Mr. Gettys remarked that the drawings make it difficult to evaluate how the house would look.

Ms. Hughes reemphasized the importance of the single family dwelling appearance, explaining that Town Meeting had been promised that such an appearance would prevail. Mr. Colman asked the applicant to provide a more frontal elevation of the whole dwelling, as the drawing presented was done from such an angle as to obscure the details of the area where the two sections would join. The Board asked for more detailed drawings of the breezeway and the stairway to the apartment. Mr. Ernstoff said he feels one should not be able to see between the structures.

Mr. King asked the relative heights of the two parts of the building. Mr. Munroe replied that the new part will be a couple of feet higher than the existing.

Mr. Foote asked how the square footage numbers had been calculated, and why the calcs excluded some finished floor space. Mr. Munroe replied that because the bylaw is silent on that issue, he used a standard architect's definition of useable space which excludes spaces under a certain square footage. Mr. Foote, former Board member, stated that the Board has always understood the calculation to include all space within the inside of the exterior walls. Mr. Munroe stated that calculated that way, the space would be 1241 s.f., more than the 1200 allowed by the bylaw for an apartment. The Board requested Mr. Munroe include all living space, which could exclude areas under the eaves less than 5 feet high, but not bathrooms and closets. Mr. Evans suggested we be consistent in our floor area calculations with the previously granted permits. Mr. Foote stated that the Board had believed, in reviewing former applications, that the floor area included all living space. Mr. Ernstoff moved that the floor area of an accessory apartment be defined as the area bounded by the interior of the perimeter walls, with stairwells counted once. Mr. Evans emphasized that this was the definition presented to Town Meeting. In discussing the motion, the issue of whether the breezeway should be counted as apartment or main unit was raised. Mr. Ernstoff stated that as long as there was a locked door between the breezeway and apartment, he was satisfied the breezeway is part of the main unit.

Ms. Yanofsky questioned whether the Building Code definition, one which excludes some of the finished space, might be implied in the bylaw; Mr. Colman pointed out that if that were true, the bylaw would need to be continually reinterpreted as the Building Code is revised. It was suggested that an expert be consulted; Mr. Foote emphasized that the relevant factor is Town Meeting's understanding. Ms. Chaput agreed, and apologized to

Mr. Munroe for any misunderstanding or discrepancy. Mr. Colman seconded Mr. Ernstoff's motion; the Board voted unanimously for it.

Mr. Evans suggested that Mr. Munroe rework his plan and come back within the 1200 s.f. limitation using the Board's definition of floor space and working to make the structure look more like a single family dwelling.

The Board reviewed the Assessors' list of abutters and the Board of Health's approval of the septic plan. The letter from Mr. Simpson, an abutor, was reviewed, and the Board agreed that all of his concerns had been covered in the discussion.

Mr. Munroe was asked how long he would need to rework his plans; he stated he would need two weeks, and asked if his own drawings would suffice. The Board agreed that they would, but if the plans were approved in concept, finished drawings would subsequently be needed for the building permit. There being no further discussion, at 9:44, Mr. Evans continued the public hearing to May 24, 1993, at 9:00 P.M.

May 24, 1993: Continuation

Chair Ernstoff opened the continued hearing at 10:46, there being no members of the public present. Members present were Chaput, Evans, Hughes, Colman, Yanofsky and Duscha. Ernstoff noted that the Board had received a letter from Mr. Munroe dated May 9, 1993, withdrawing his application. The letter cited escalation of cost of supplies, increased cost for redesign, and the applicability of a deed restriction which might prevent their ability to use an apartment for rental purposes were they to receive a Special Permit. Colman moved that the withdrawal be accepted; Hughes seconded the motion. All members voted in favor. The hearing was closed at 10:48.

Phyllis Hughes, Clerk