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TOWN OF CARLISLE

OFFICE OF Zoning Board of Appeals

66 Westford Street
Carlisle, MA 01741
978-369-5326

Minutes: Board of Appeals, June 1, 2020

Call to Order

The meeting was called to order at 7:30 p.m. Pursuant to the Governor's Executive Order Concerning Open Meetings during the COVID-19 crisis there was no in-person attendance participation was entirely remote utilizing the teleconference application Zoom Meeting.

Roll Call and Declaration of Quorum

Chair Snell recognized the required quorum of Members. Present were Members Travis Snell (Chair), Manuel Crespo (Clerk), Steven Hinton and Associate Members Eric Adams, Lisa Davis Lewis and Gretchen Anderegg.

Statement of Compliance

The issue of compliance regarding posting of the hearing was confirmed by the Chair. According to Secretary Wang, the Meeting Notice was posted in Town Hall on May 27, 2020.

Public Comment – Approval of Agenda

Chair Snell asked those present if there were any matters other than those listed on the agenda which the public would like to add to the agenda. When none were offered, the agenda was accepted.

Approval of prior minutes

The Board voted to accept the minutes from May 4, 2020 as amended.

New Business – Application 2002

Chair Snell opened the public hearing for the application of Blake Duffy requesting a Special Permit under Section 3.2.2.9 to renew the 2019 Special Permit to operate a landscape business. The property is located within the Residence B District at 247 North Road. Present were the Applicant, Secretary Peggy Wang, Mosquito reporter Wanda Avril and members of the public.

Secretary Wang reported that no correspondence was received and that there have been no complaints filed with the Building Commissioner regarding the business.

Applicant's testimony

The Applicant, Blake Duffy, informed the Board that he is currently operating the business under the same conditions set in the initial Special Permit. There is no increase in equipment, the hours of operation remain the same and Applicant is the sole employee. He said that he owns two (2) trucks and two (2) trailers and is looking to store the two (2) trailers at 247 North Road.

Board's comments:

The Board asked the Applicant to explain the conflict in his testimony that there are two (2) trucks and two (2) trailers in his ownership but the application requests to allow for the storage of a truck and three (3) trailers. Mr. Duffy explained that one (1) of his trucks and one (1) trailer are stored at his place of residence at 750 Curve Street. Chair Snell noted that the Applicant does not reside at 247 North Road but that his father who lives at 247 North Road signed a letter of intent that proposes a partnership between them.

Public comments

Chair Snell asked those present if there were any comments and when none were offered the public hearing was closed.

Deliberation and Decision

The Board deliberated the case and discussed the length of time the permit should be granted. The Board determined it appropriate to grant the Special Permit for a period of two (2) years and vote 3-0 in favor, Snell (aye), Hinton (aye) and Crespo (aye).

The decision was based on the standard findings and subject to the same conditions included in the 2019 decision. There was one new finding regarding residency of the Applicant.

Finding 2 states; The Applicant is not a resident of the premises as required under Zoning Bylaw Section 3.2.2.9 but his father, Mark Duffy, is a resident at 247 North Road and has signed a letter of intent that proposes a partnership between them.

Appeals

The Applicant was advised that the written Decision would be prepared and signed within fourteen (14) days. A copy of the signed Decision will be mailed to the Applicant and abutters at which time the twenty (20) day appeal period begins. At the end of the appeal period, if no appeal is filed, the Applicant shall pick up the Decision along with the Town Clerk certified Grant of Special Permit which must be recorded with the Register of Deeds in Lowell, MA and filed with the Building Commissioner before becoming final.

Application 2004

Chair Snell opened the public hearing for the application of Integrity Building & Design, Inc. requesting a Special Permit under Section 6.3 to build a screen porch on a non-conforming lot. The property is located within the Residence B District at 981 Bedford Street. Present were the Applicant, Dana McKiel, representing the owner, the owners Michael Rubel and Carrie Jenks, Secretary Peggy Wang, Mosquito reporter Wanda Avril and members of the public.

Documents entered into the record

ZBA_2004_01 Building Permit Plan prepared by Goldsmith, Prest & Ringwall, Inc. dated September 6, 2005

ZBA_2004_02 Rear/Side Elevation, Existing & Propose 1st Floor Plan Segment prepared by Integrity & Design Inc. dated April 12, 2020

ZBA_2004_03 Three Season Room Cross Section, Existing & Proposed Foundation Plan prepared by Integrity & Design Inc. dated April 13, 2020

Applicant's testimony

Dana McKiel from Integrity Building & Design Inc. appeared before the Board representing the owners of 981 Bedford Street, Michael Rubel and Carrie Jenks. He presented the plans to construct a 16' by 18' screen porch on top of the existing patio next to the existing structure. Mr. McKiel explained that the Building Commissioner informed him that a Special Permit would be required because the existing structure is non-conforming since it encroaches into the front lot line setback.

Board's comments

The Board reviewed the plans and asked if there are any plans to heat the area. Mr. McKiel said there are no plans to heat the proposed structure.

Public comments

The Chair asked if there was anyone from the public who would like to comment. When none was offered the public hearing was closed.

Deliberation and Decision

The Board deliberated the case and determined it appropriate to grant the Special Permit to build a 16' by 18' screen porch over the existing patio. The Board voted 3-0 in favor Snell (aye), Hinton (aye) and Crespo (aye). The decision was based on the standard findings and subject to the standard conditions with one specific condition that the proposed screened porch may not be enclosed in the future without approval from the Zoning Board.

Appeals

The Applicant was advised that the written Decision would be prepared and signed within fourteen (14) days. A copy of the signed Decision will be mailed to the Applicant and abutters at which time the twenty (20) day appeal period begins. At the end of the appeal period, if no appeal is filed, the Applicant shall pick up the Decision along with the Town Clerk certified Grant of Special Permit which must be recorded with the Register of Deeds in Lowell, MA and filed with the Building Commissioner before a building permit can be issued.

Application 2005

Chair Snell opened the public hearing for the application of Peter Kyle requesting a Special Permit under Section 6.3 to finish the basement on a non-conforming lot being 1 acre where 2 acres are required under Section 4.1.1.2. The property is located within the Residence B District at 85 Bellows Hill Road. Present were the Applicant, Secretary Peggy Wang, Mosquito reporter Wanda Avril and members of the public.

Secretary Wang reported that no correspondence had been received

Documents entered into the record

- ZBA_2005_01 2020 Assessor's card for 85 Bellows Hill Road
- ZBA_2005_02 Certified Plot Plan prepared by Acton Survey & Engineering, Inc. dated October 12, 2004
- ZBA_2005_03 Proposed Basement Plan Prepared by the Applicant
- ZBA_2005_04 First Floor Plan
- ZBA_2005_05 Second Floor Plan
- ZBA_2005_06 Email from Applicant with dimension for the proposed basement modifications

Applicant's testimony:

The Applicant, Peter Kyle, presented his plan to finish the basement by adding an office, a playroom, laundry, storage and boiler room that would result in an additional 1,200 square feet of habitable space.

Board's comments

The Board asked the Applicant if he had completed the addition of 1,132 square feet approved in the 2003 Decision. The Applicant said that he had completed the addition in 2006 but went on to say that since the 2003 decision he had removed the bedrooms in the basement. He noted that in 2003, the then finished space in the basement was included in the total habitable space when the Decision recorded 2,604 square feet of existing habitable space. The Board reviewed the plans and discussed what the actual increase of habitable space would be in the proposed plan.

Member Adams noted that in his review of the dimensions submitted in document number 2005_06 the increase in habitable space would 900 square feet not the 1,200 square feet the Applicant said in his testimony.

The Board asked the Applicant if there is a dimensional plan before the construction in 2003. The Applicant said there were none.

Public comments

When Chair Snell asked those present if there were any comments and when none were offered the public hearing was closed.

Deliberations and Decision

The Board deliberated the case and stressed the importance of correcting the record of the undocumented changes after the 2003 decision. Most important to be included in this decision is establishing the existing habitable space prior to

any change before the 2003 Decision, the net change in habitable space as a result of any changes after the 2003 Decision and the maximum amount habitable space allowed for this structure going forward.

The Board determined it appropriate to grant the Special Permit. The Board voted in favor of the application to increase the habitable space by up to 900 square feet in the basement of the existing structure, Snell (aye), Crespo (aye) and Hinton (aye). The Decision was based on the standard finding and the following additional findings

- 1) The lot is non-conforming, being 1 acre, where 2 acres are required under Section 4.1.1.2 but the structure is conforming.
- 2) The proposed construction does not increase the existing non-conformity.
- 3) There was a Zoning Board Special Permit Granted in 2003 for the construction of an addition. The total existing habitable space prior to any construction in the 2003 Decision was reported to be 2,604 square feet which included a finished basement having two (2) bedrooms and a bathroom.
- 4) In their 2003 Decision the Board approved an addition of 1,132 square feet.
- 5) In the plan presented at the 2003 Zoning Board hearing the Applicant failed to explain his intension to remove the habitable space in the basement. As a result, the Grant of the Special Permit to increase the habitable space in 2003 by 1,132 square feet was not an accurate record of the net change. With the decommissioning of the basement the actual net increase after the 2003 decision was 294 square feet of habitable space.
- 6) According to the 2020 Assessor's card that are 2,916 square feet of habitable space.

Upon review of the previous filing and the historic assessor data for this property, the Board found the original square footage before any modifications would best be described as 2,636 (and not 2,604 SF as stated in the 2003 Decision) and thus the maximum build-out for this structure would be 3,948 square feet.

The decision is subject to the standard conditions and following additional conditions

- 1) The structure shall be limited to a maximum of 3,948 square feet of habitable space.
- 2) The Board authorized the addition of up to 900 square feet of habitable space in the basement.

Appeals

The Applicant was advised that the written Decision would be prepared and signed within fourteen (14) days. A copy of the signed Decision will be mailed to the Applicant and abutters at which time the twenty (20) day appeal period begins. At the end of the appeal period, if no appeal is filed, the Applicant shall pick up the Decision along with the Town Clerk certified Grant of Special Permit which must be recorded with the Register of Deeds in Lowell, MA and filed with the Building Commissioner before a building permit can be issued.

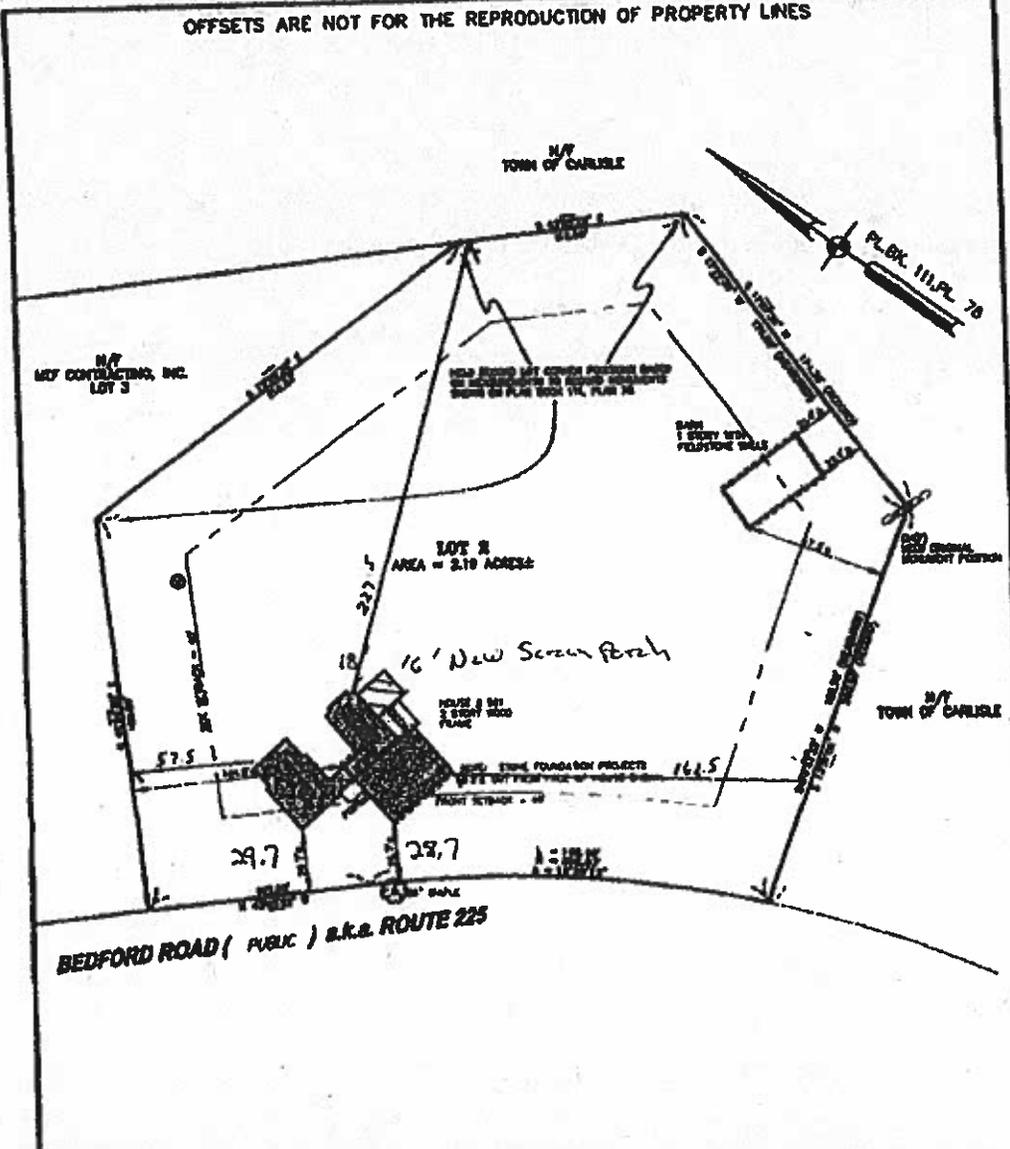
Adjournment

Chair Snell asked those present if there were any additional issues to discuss. When none were offered the meeting adjourned at 8:32 pm.

Respectfully submitted
Peggy Wang

PC2248

OFFSETS ARE NOT FOR THE REPRODUCTION OF PROPERTY LINES



THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, COVENANTS OR OTHER LIMITATIONS WHICH MAY BE DISCLOSED BY A TITLE EXAMINATION.

THIS LOT IS IN ZONE C (AREA OF MINIMAL FLOODING) AS SHOWN ON THE F.I.M.A. FLOOD INSURANCE RATE MAP FOR CARLISLE, MASS., DATED MAY 17, 1986, COMMUNITY-PANEL NO. 25087-6008-C. ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. ACCURATE DETERMINATION CANNOT BE MADE UNLESS A VERTICAL CONTROL SURVEY IS PERFORMED.

ASSESSOR'S MAP 11, PARCEL # DEED BOOK 18975 PAGE 288 PL.BK. 111, PL. 70

I CERTIFY THAT THE DISTING FEATURES ARE LOCATED ON THE LOT AS SHOWN.



Peter A. Lofgren
 PETER A. LOFGREN, P.E. # 10095

BUILDING PERMIT PLAN
LOT # 3 at # 981 BEDFORD STREET
CARLISLE, MASS.

PREPARED FOR: MEF CONTRACTING
 DATE: SEPT. 6, 2005 SCALE: 1"=50'

GPR

Engineering Solutions
 for Land & Structures

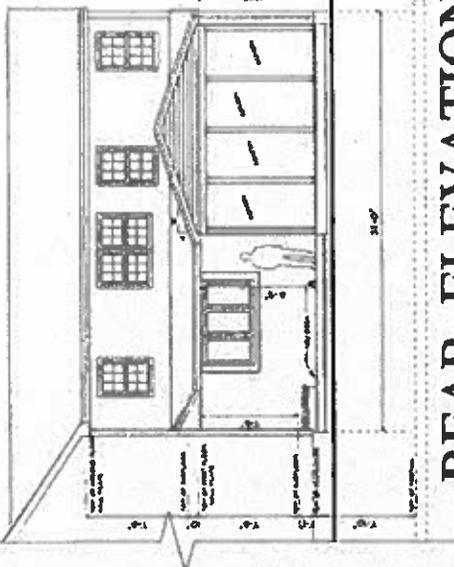
GOLDSMITH, PREST & RINGWALL, INC.
 30 MAIN ST., SUITE 201, AVERA, MA 01432
 CIVIL & STRUCTURAL ENGINEERING - LAND SURVEYING & LAND PLANNING
 VOICE 978-772-1890 FAX 978-772-1881 WEB: www.gpr-inc.com

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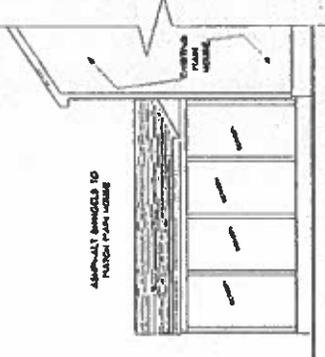
PC2248

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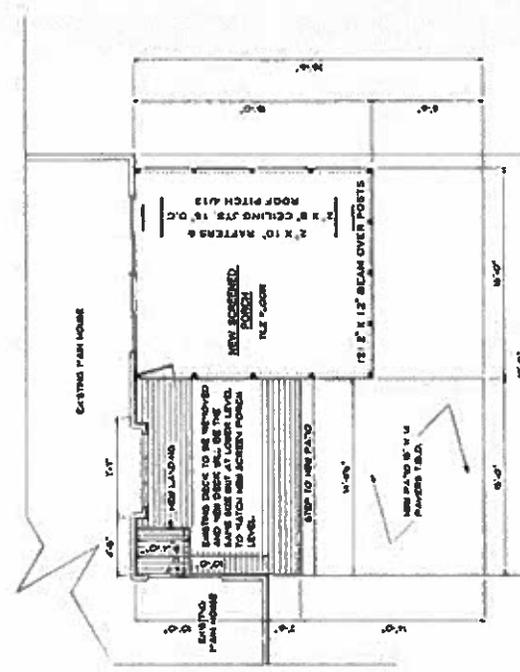
ZBA-2004-01



REAR ELEVATION



SIDE ELEVATION

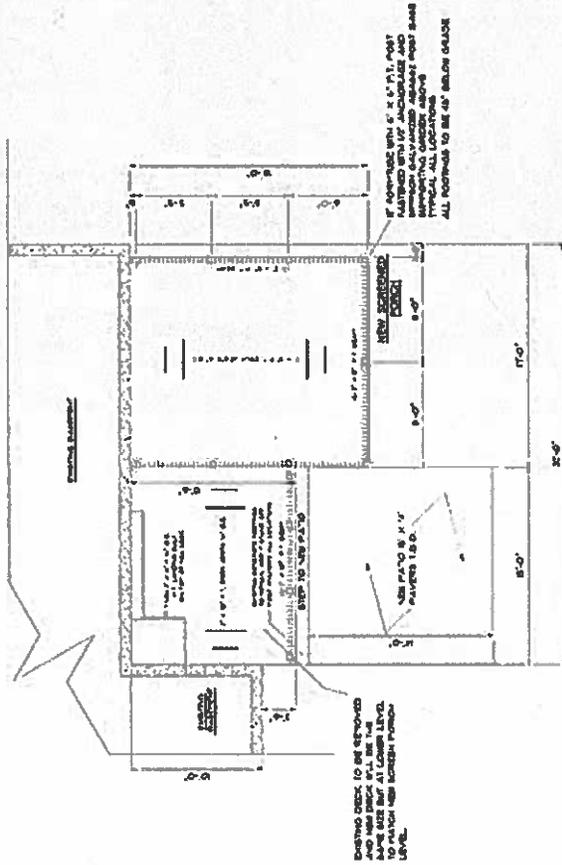


**EXISTING & PROPOSED
FIRST FLOOR PLAN SEGMENT**

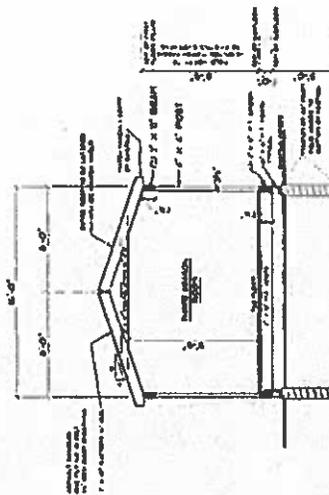
INTERCITY DESIGN GROUP
 400 LINDSEY BLVD
 SUITE 100
 WASHINGTON, DC 20004

PROJECT INFORMATION
 PROJECT: 2004-001
 DATE: 04/17/04
 DRAWING: ELEVATIONS & FLOOR PLAN

ZBA-2004-02



**EXISTING & PROPOSED
FOUNDATION PLAN**



**THREE SEASON ROOM
CROSS SECTION**

INTERCITY DESIGN		FOUNDATION PLAN	
Project No.	2004-03	Client	XXXXXX
Address	1234 Main Street, Anytown, VA	Scale	1/4" = 1'-0"
Drawn By	J. Smith	Date	April 11, 2004
Checked By	M. Jones	Project No.	2004-03
Approved By	[Signature]	Project Name	XXXXXX

ZBA-2004-03

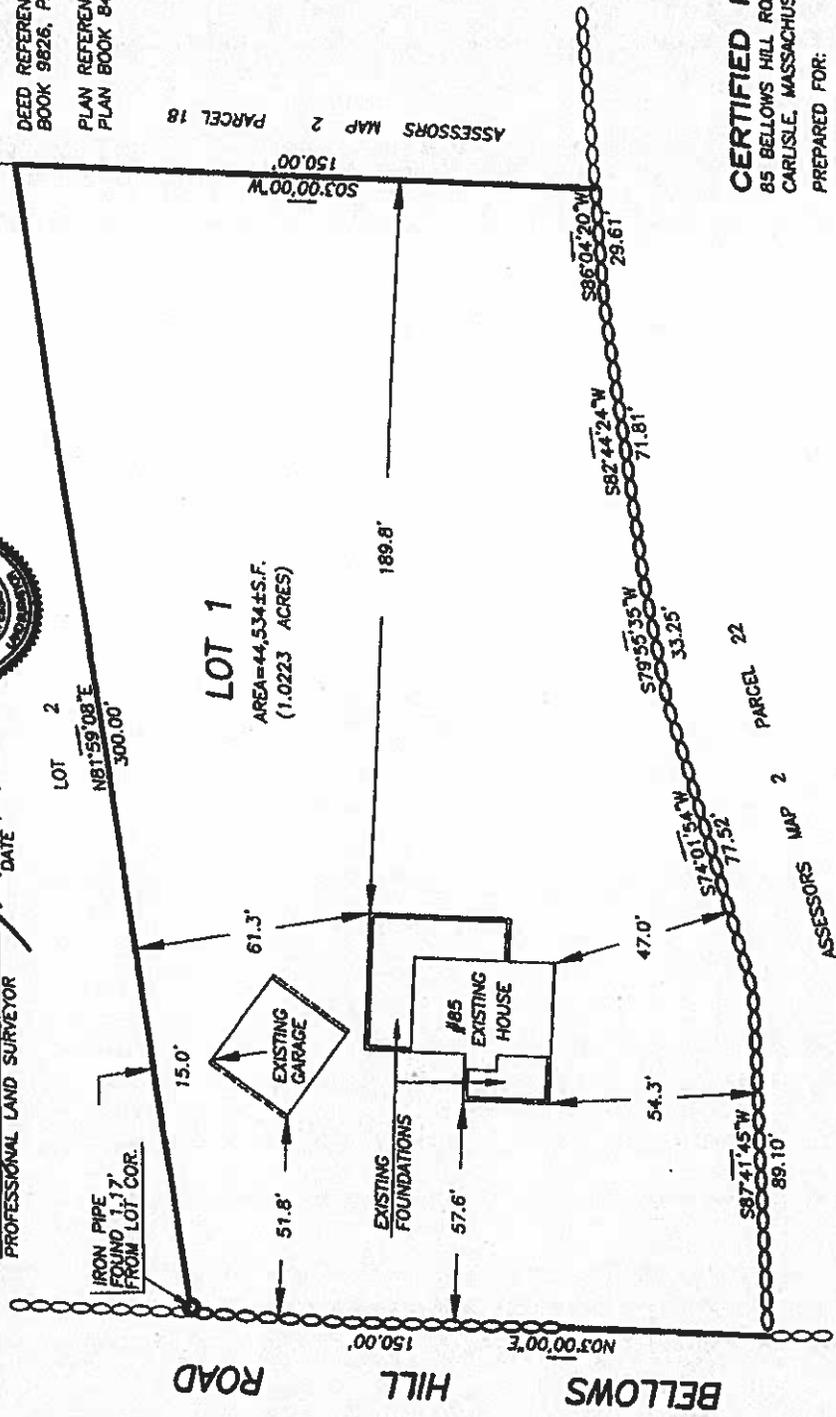
I HEREBY CERTIFY THAT THE EXISTING BUILDING AND FOUNDATION ARE ON THE PARCEL AS SHOWN.

Daniel A. Spang
PROFESSIONAL LAND SURVEYOR
DATE 10/13/04



ZONING DISTRICT: GENERAL RESIDENT B
ASSESSOR'S REFERENCE:
MAP 2, PARCEL 21
DEED REFERENCE:
BOOK 9826, PAGE 048
PLAN REFERENCE:
PLAN BOOK 84 PLAN106A

ASSESSORS MAP 2 PARCEL 18
ASSESSORS MAP 2 PARCEL 18



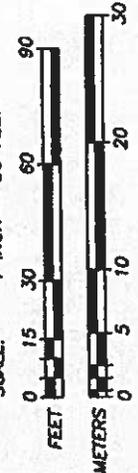
LOT 1
AREA=44,534±S.F.
(1.0223 ACRES)

LOT 2
N81°59'08"E
300.00'

CERTIFIED PLOT PLAN

85 BELLOWS HILL ROAD
CARLISLE, MASSACHUSETTS

PREPARED FOR: PETER KYLE
SCALE: 1 INCH = 30 FEET DATE: OCTOBER 12, 2004

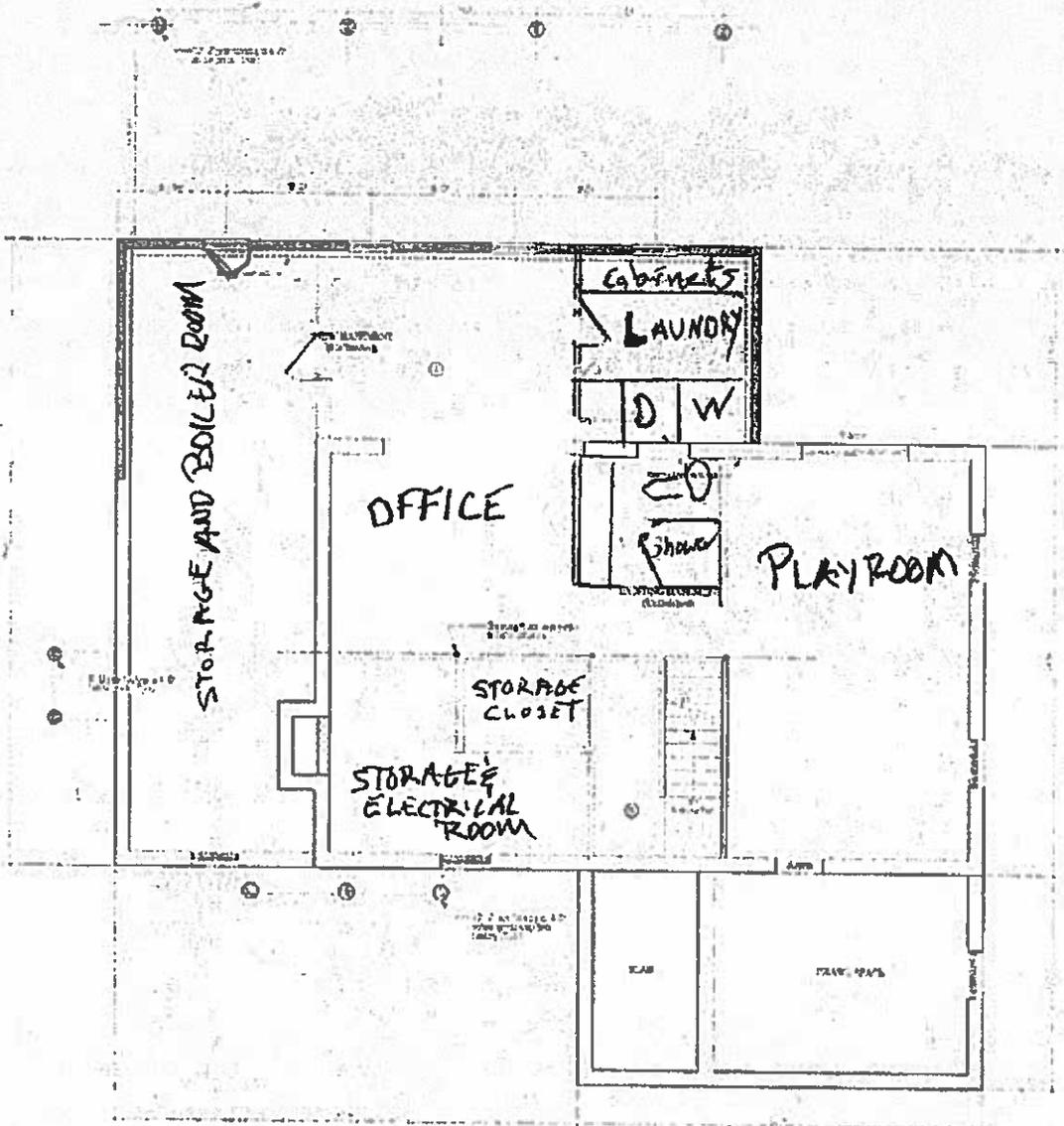


97 GREAT ROAD
P.O. BOX 666
ACTON, MA 01720
PH. (978) 263-3666
FAX (978) 635-0218
JOB #5307

Acton Survey & Engineering, Inc.
Since 1967

ZBA - 2005-02

Hand-drawn Management Plan



ZBA-2005-03

Peggy Wang

From: Peter Kyle <peterkyle@comcast.net>
Sent: Friday, May 29, 2020 2:21 PM
To: Peggy Wang
Subject: Re: 85 Bellows Hill Road ZBA hearing request

May 29, 2020

Hi Peggy,

I'm sorry my plans are so crude. Maybe it would clarify for the board if I gave dimensions on both proposed remodeling as well as spaces that will remain unfinished (other than sheetrocked ceiling and walls where necessary to contain insulation).

Proposed finished spaces:

Playroom: 12' x 22'
Office: 12' x 22'
Laundry: 10' x 10'
Bath: 9' x 7'
Closet. 5 x 13

Existing unfinished basement to remain:

Boiler room: 11' x 34'
Electrical room: 5' x 13'
Crawl space: 11' x 13'

I hope this helps. I'll try to improve the drawing as a reference during the meeting. If there is anything more that I can do please don't hesitate to contact me.

Best,
Peter Kyle

> On May 29, 2020, at 12:12 PM, Peggy Wang <pwang@carlislema.gov> wrote:

>

> Peter,

>

> The Board has reviewed the attached application and are requesting that you provide
> dimension on the proposed finish basement. The drawing included with your application
> does not have the required legible detail. Kindly submit the detailed dimension as soon
> as possible.

>

> Regards,

>

> Peggy Wang

>

> -----Original Message-----