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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, July 6, 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 Member Gretchen Anderegg. Absent were Associate Members Lisa Davis Lewis and Eric Adams.

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 June 22, 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 June 1, 2020 as amended.

New Business – Application 2006

Chair Snell opened the public hearing for the application Eric Lawson requesting a Special Permit to continue to operate the landscape business under Section 3.2.2.9. Present were the Applicant, Eric Lawson, Secretary Wang, Mosquito reporter Helen Lyons 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, Eric Lawson, told the Board he is applying for a Special Permit to continue to operate his landscape business. When asked by Chair Snell if he continues to store equipment at 239B Lowell Street and if the business is operating in the same manner when the Board granted the 2019 Special Permit, Mr. Lawson said that everything is the same.

Board's comments:

The Board had no comments.

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.

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 2007

Chair Snell opened the public hearing for the application of Sylvia Sillers requesting a Variance to build an addition 7 feet from the lot line where 40 feet is required under Section 4.2.1. The property is located within the Residence A District at 49 Concord Street. Present were the Applicant, Sylvia Sillers, Secretary Peggy Wang, Mosquito reporter Helen Lyons, Architect Ben Herter, Engineer Paul Kirchner and members of the public.

Secretary Wang reported that no correspondence was received.

Documents entered into the record

- ZBA_2007_01 Proposed Plot Plan prepared by Stamski and McNary, Inc. dated June 8, 2020
- ZBA_2007_02 Proposed addition floor plan prepared by Dewing-Schmid-Kearns dated June 27, 2020
- ZBA_2007_03 Proposed building elevations prepared by Dewing-Schmid-Kearns dated June 27, 2020
- ZBA_2007_04 Proposed building elevations and sections prepared by Dewing-Schmid-Kearns dated June 27, 2020
- ZBA_2007_05 Photographs of the barn and house from 1908 and 1930
- ZBA_2007_06 Copy of demolish permit for the barn dated 1945

Applicant's testimony

Engineer Paul Kirchner from Stamski and McNary, Inc. presented the plans to build a two story barn and connector seven (7) feet from the front lot line which is not greater than the existing house structure being three (3) feet from the lot line. He noted that the existing structure is about 200 years old and the lot size is conforming but the existing structure non-conforming. The proposed location was chosen to be parallel with the existing structure and if the forty (40) foot setback was required the proposed structure would be in the wetlands.

Board's comments

The Board reviewed the plans and asked about the intended use of the second story of the proposed structure. Architect Ben Herter explained that it would be used for storage noting that it connected to an upstairs bedroom. The first floor of the proposed structure is to be used as a garage.

The Board asked the Architect if the proposed structure would increase the habitable space and Mr. Herter said that the connector between the barn and house would be considered habitable space.

Member Hinton asked the Applicant if there were any documents that predated the zoning bylaws that would serve as a base line in determining the size of the demolished barn and existing house. The Board discussed the importance of establishing the measurement of the proposed structure and the existing house to determine the maximum build out that would conform to the 50% expansion rule. With the assistance of Architect Herter it was determined that the existing structure has 2879 square feet of habitable space (1690 square feet on the first floor and 1189 square feet on the second floor). Under the 50% expansion rule the maximum build out would be 4319 square feet or allowing for an addition of 1439 square feet. The proposed structure (the connector) would be an increase of 210 square feet on the first floor and 170 square feet on the second floor, a total of 380 square feet.

The Board asked the Applicant if she had any documents regarding the barn. Architect Herter provided a photograph of the barn and house and Mrs. Sillers provided a copy of the demolish permit. The photograph of the house showed evidence of a connector between the house and barn. The Board noted that it should be documented that the original connector was a breezeway and not a heated structure. When asked if there were any indications of the foundation of the demolished barn Mrs. Sillers said there were none.

The Board determined that a Variance for relief from the setback and Special Permit for the increase in habitable space were required. They informed the Applicant that she is required to apply for a Special Permit and asked her to consider continuing the public hearing for application 2007 VAR until the August 3, 2020 hearing.

Public comments

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

Continuance

The Applicant requested that the public hearing be continued to the August 3, 2020 meeting. The Board voted in favor of continuing the public hearing for application 2007 VAR until the August 3, 2020 meeting, Snell (aye), Hinton (aye), Crespo (aye) and Anderegg (aye).

Adjournment

Chair Snell asked those present if there were any additional issues to discuss. When none were offered the meeting adjourned at 8:40 pm.

Respectfully submitted
Peggy Wang

STAMSKI AND McNARY, INC.

1000 Main Street
Acton, Massachusetts 01720
(978) 263-8585
FAX (978) 263-9883

JOSEPH MARCH, P.E., P.L.S.
GEORGE DIMAKARAKOS, P.E.
July 1, 2020

Board of Appeals
Town of Carlisle
66 Westford Street
Carlisle, MA 01741

Re: Request for Variance from the Carlisle Zoning Bylaw
Map 15, Parcel
Carlisle, MA

Members of the Board,

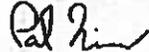
On behalf of our client, Sylvia Sillers, we hereby submit revised architectural drawings and a corresponding revised plot plan, dated July 1, 2020, for the referenced application. Changes are as follows:

- The barn footprint has been adjusted slightly in order to align proposed ridge with the ridge of the existing house. The barn is now proposed 2' wider. Additionally, the connector has been shortened 6" between the proposed barn and the existing house. The proposed setback remains unchanged at 7.0'±.

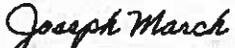
If you have any questions regarding this matter, please feel free to call. We look forward to discussing this issue at the next public hearing.

Respectfully,

Stanski and McNary, Inc.



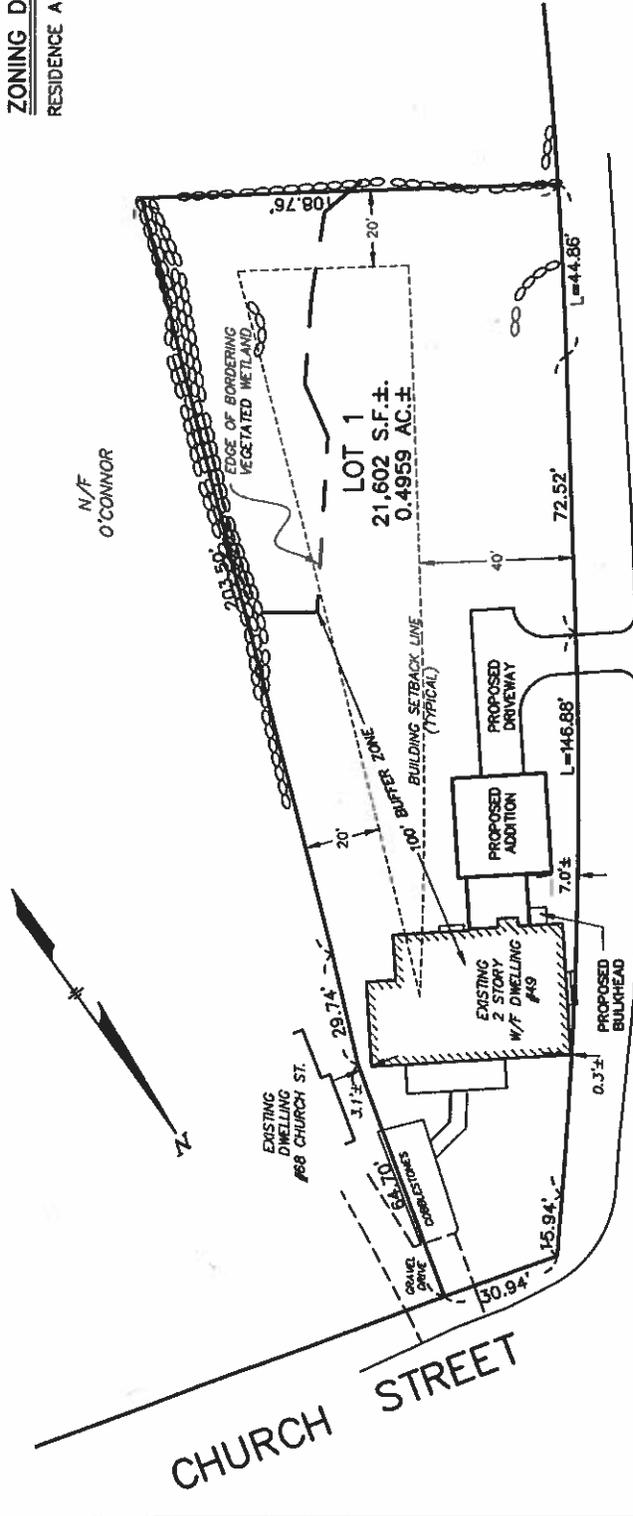
Paul Kirchner, E.I.T.



Joseph March, P.E., P.L.S.

ZONING DISTRICT

RESIDENCE A



CONCORD STREET
 (1929 & 1952 COUNTY LAYOUTS - 50' WIDE)

PROPOSED PLOT PLAN
 IN

CARLISLE, MASSACHUSETTS
 (MIDDLESEX COUNTY)

FOR: **SILLERS**
 SCALE: 1"=30' **JUNE 8, 2020**
 REV: JULY 1, 2020

STAMSKI AND McNARY, INC.
 1000 MAIN STREET ACTON, MASSACHUSETTS
 ENGINEERING - PLANNING - SURVEYING

(65520.P.PPL.1.dwg) 49 Concord Street SM-6520



THE EXISTING DWELLING AND THE PROPOSED ADDITION ON THIS PROPERTY ARE LOCATED AS SHOWN AND ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FLOOD INSURANCE RATE MAP: MIDDLESEX COUNTY, MASSACHUSETTS; MAP NUMBER 25017C0263F DATED: JULY 7, 2014.

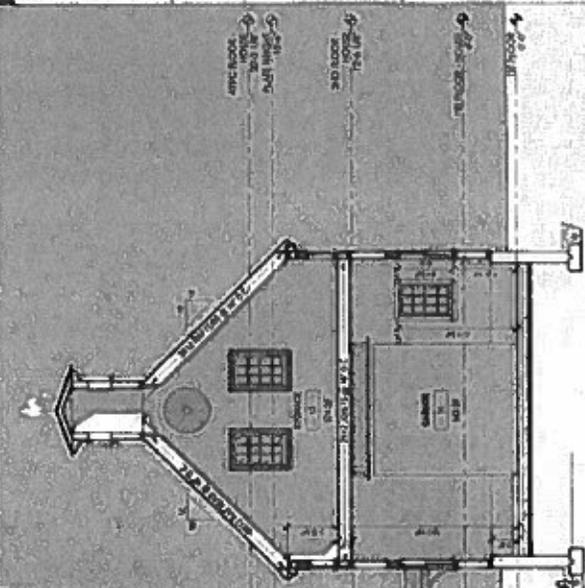
DATE 7/2/20
 Joseph March

REGISTERED PROFESSIONAL LAND SURVEYOR

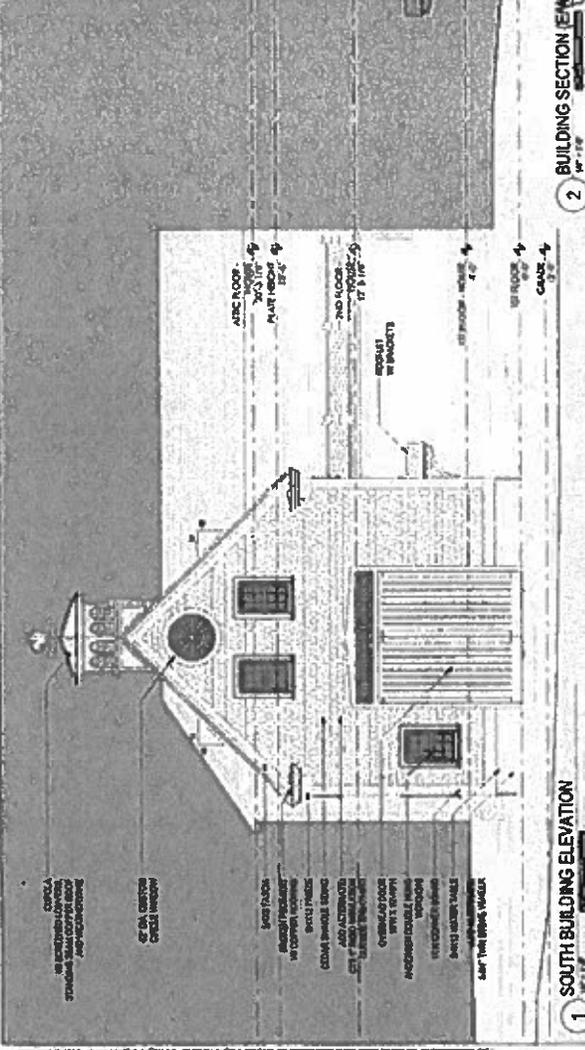
ZBA-2007-01

ZBA-2007-01

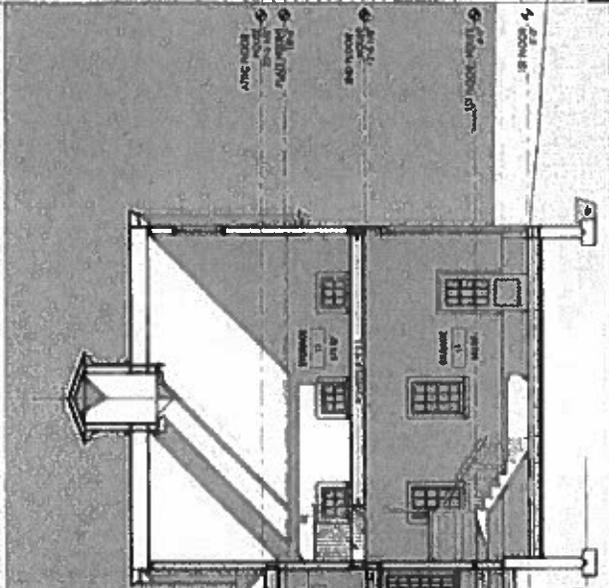
- GENERAL NOTES
- 1. REFER TO ALL OTHER DRAWINGS FOR MATERIALS AND FINISHES.
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
- 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
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- 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.



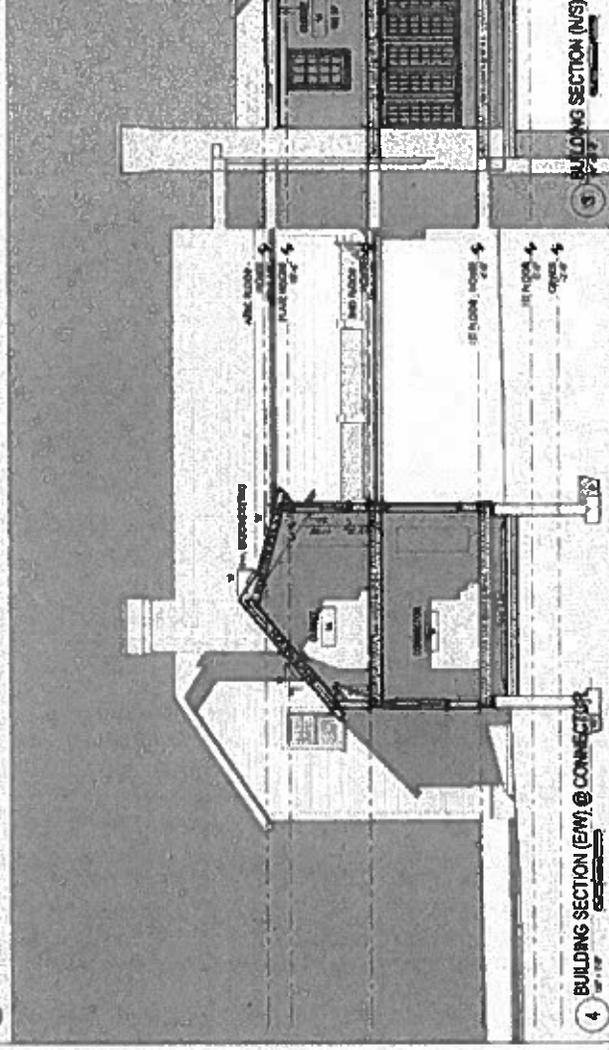
1 SOUTH BUILDING ELEVATION



2 BUILDING SECTION (E/W)



3 BUILDING SECTION (N/S)



4 BUILDING SECTION (E/W) @ CONNECTOR

Sheep Stone Review
 1000 Main Street
 Concord, MA 01741
 Tel: 978.365.1234
 Fax: 978.365.1234
 www.sheepstone.com

**SILLERS
 RESIDENCE
 BARN
 ADDITION**

48 CONCORD ST
 CARLISLE, MA
 01741

PROJECT NO. 2007-04

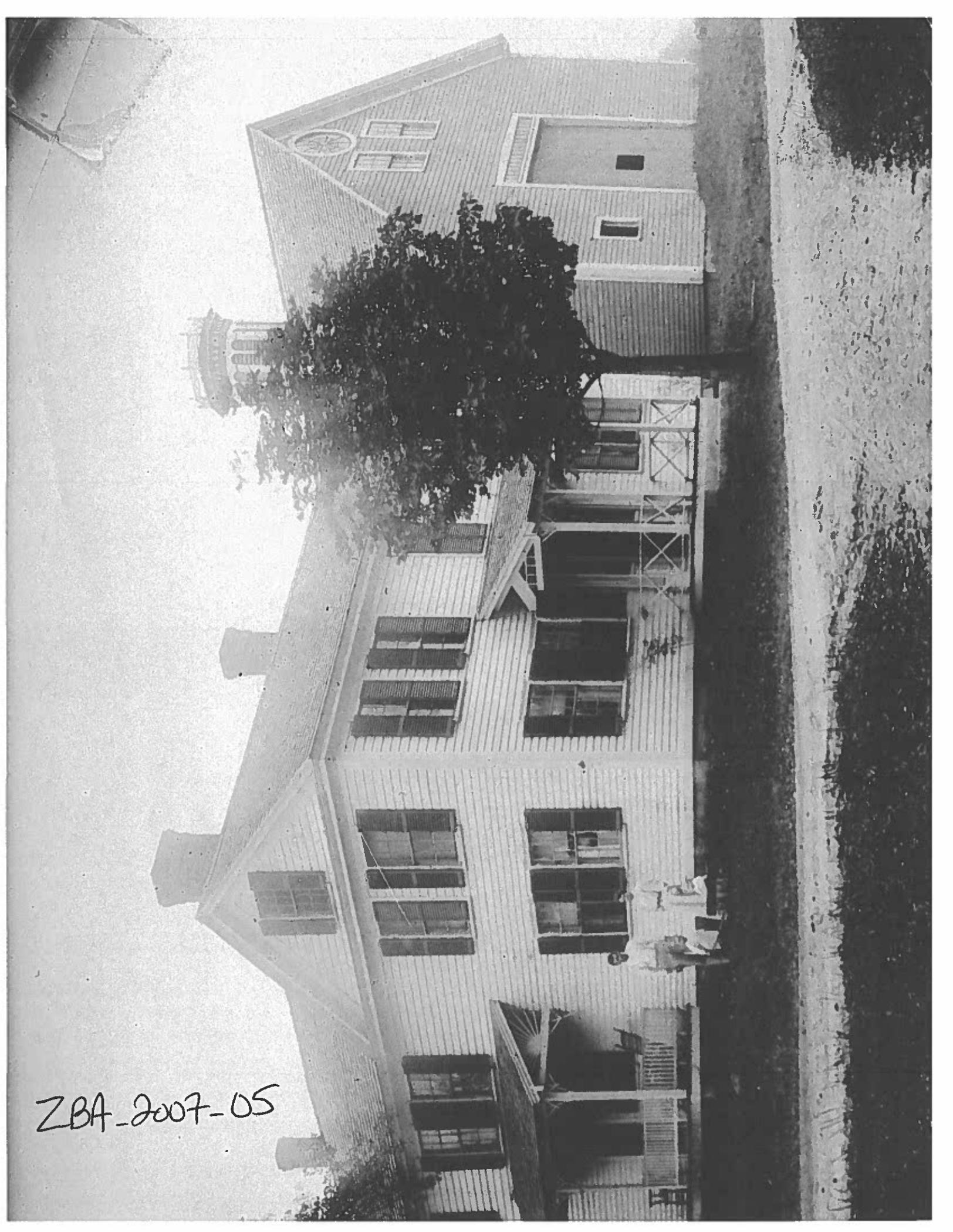
NO.	DATE	DESCRIPTION
1	08/20/07	ISSUED FOR PERMITS
2	09/10/07	ISSUED FOR PERMITS
3	09/10/07	ISSUED FOR PERMITS
4	09/10/07	ISSUED FOR PERMITS
5	09/10/07	ISSUED FOR PERMITS
6	09/10/07	ISSUED FOR PERMITS
7	09/10/07	ISSUED FOR PERMITS
8	09/10/07	ISSUED FOR PERMITS
9	09/10/07	ISSUED FOR PERMITS
10	09/10/07	ISSUED FOR PERMITS

SCALE: 1/8" = 1'-0"
 1/4" = 1'-0"
 1/2" = 1'-0"
 3/4" = 1'-0"
 1" = 1'-0"

A302

NOT FOR CONSTRUCTION

2 BA-2007-04



ZBA-2007-05

2BA-2007-06



Building Inspector's Department

TOWN OF CARLISLE

No. 180

CARLISLE, MASS. March 18 1950

This certifies that Oscar E. Pedersen

has permission to

Raze old barn
on premises

building on Concord Street

provided that the person accepting this permit shall, in every respect, conform to the terms of the application, on file in this office, and to the provisions of the By-Laws of the TOWN OF CARLISLE, relating to the construction and inspection of buildings in the Town of Carlisle.

Any violation of the terms above noted shall work an immediate revocation of this permit.

Edmund L. French

Inspector of Buildings.

Notify the Inspector when ready to lath.

Fee paid