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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 12, 2021
Approved August 2, 2021

Call to Order

The meeting was called to order at 7:31 p.m. Chair Snell reported that an audio recording of the meeting was being made and asked if any other persons were recording the meeting. Mosquito reporter Chris Li said he would be making an audio recording of the 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 Jay Lee, Eric Adams and Gretchen Anderegg.

Statement of Compliance

The issue of compliance regarding posting of the meeting was confirmed by the Chair. According to Secretary Wang, the Meeting Agenda was posted on July 8, 2021, on the Town website and at Town Hall.

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 6 to 0 accept the minutes from June 7, 2021, as amended, Snell (aye), Crespo (aye), Lee (aye), Hinton (aye), Anderegg (aye) and Adams (aye).

New Business – Application 2107

Chair Snell reopened the public hearing that was continued on June 7, 2021, for the application of Lauren and Matt Marolda requesting a Variance pursuant to Section 7.5 to build a garage 12 feet from the lot line where 40 feet is required under Section 4.3.2. The property is located within the Residence District B at 190 Lowell Street

Present were the Applicant, Lauren Marolda, Secretary Peggy Wang, and Mosquito reporter Chris Li. Secretary Wang reported that no correspondence had been received.

Documents received since June 7, 2021 hearing

ZBA_2107_04 Dimensional side view of 30'x 28' proposed structure submitted by Lauren Marolda via email on 6/16/21

Board's comments

Chair Snell noted that the June 11, 2021, site visit was helpful. Member Hinton noted that he could not see a finding that would allow for a project that would double the existing encroachment with a proposed structure that is two times the size of the existing structure. He suggested that Applicant look at different options for example, a smaller footprint, rotate a mirror image of the proposed structure, clip the corner or stick construction versus a prefabricated structure to replace the garage, adding that the Board should not be redesigning the project. The Board noted that the Applicant had made no effort to figure out how to make the proposed structure to fit in the space without doubling the encroachment, adding that they could have gotten professional help to find a solution. The Members continued to

discuss various options available to the Applicant. It was noted that the Applicants had not submitted a certified plot plan that would have confirmed that the proposed structure would be 12 feet from the lot line

Member Lee discussed the difference between a Variance and a Special Permit because in this case there already is an existing non-conformity and a Special Permit would be less onerous than a Variance. He wondered if the Applicant could change the request from Variance to Special Permit without refile an application. Lee explained that a Variance is subject to an easy challenge in the courts and should be avoided, if possible, Special Permits are less difficult to overturn. In this case the current abutter may not object to the Variance, but future abutters could challenge the decision in court.

The Board told the Applicant these were the following options, close this application without prejudice, continue the public hearing until the next meeting to allow time to redesign the proposed structure and investigate applying for a Special Permit.

Applicants' testimony

The Applicant, Lauren Marolda, said that she didn't know how to proceed but thought a different prefab company might have a solution. She requested a continuance to explore the next step.

Public comments

Chair Snell asked those present if there were any comments from the public and none were offered.

Continuance

Chair Snell moved, and Member Hinton seconded the motion to continue the public hearing until the August 2, 2021, meeting. The Board voted 6 to 0 in favor of the motion, Snell (aye), Crespo (aye), Hinton (aye), Adams (aye), Anderegg (aye) and Lee (aye).

Application 2108

Chair Snell moved and Member Hinton seconded the motion to reopen the public hearing that was continued on June 7, 2021, for the application of Justin and Elizabeth Daghish Appealing the Building Commissioner's denial of a request for a Zoning Enforcement. The Board voted 6 -0 in favor of the motion, Snell (aye), Hinton (aye), Adams (aye), Anderegg (aye), Crespo (aye) and Lee (aye). The property is located within the Residence B District at 15 Old East Street.

Secretary Wang reported that the Applicants had requested a continuance.

Continuance

Chair Snell moved and Hinton seconded the motion to continue the public hearing until the August 2, 2021, meeting. The Board voted 6 to 0 in favor of the motion, Snell (aye), Hinton (aye), Adams (aye) Crespo (aye), Anderegg (aye) and Lee (aye).

Additional discussion

Chair Snell spoke about the supporting documents that should be included with future applications. The Members recommended the following, dimensional drawings that include the height of a proposed structure, the shape of the roof, and conceptual sketches that represent what is to be built. When the proposed structure involves an increase allowed by the 50% expansion limitation, scale plans with dimensions that verify the before and after size should be submitted. Member Adams noted that other land use boards require a certified plot plan with every application and urged the Board to consider the same.

Adjournment

Chair Snell asked those present if there were any additional issues to discuss. When none were offered, Chair Snell moved, and Member Hinton seconded the motion to adjourn. The Board voted 6 -0 in favor of the motion, Snell (aye), Lee (aye), Adams (aye), Crespo (aye), Anderegg (aye) and Hinton (aye). The meeting adjourned at 8:46 pm.

Respectfully Submitted - Peggy Wang