
Zoning Board of Appeals Minutes 2/1/18 - 34 Laurel Banks

ZBA Hearing Minutes

Address: 34 Laurel Banks Rd

Date: 2/1/18

Hearing began at: 3:07pm

Members Present: Jonathan Levin, Chair, Stanley Ross, Clerk, Fred Chapman, Susan Cooper and Gary Shaw

Also present: Steven Seddon, Dennis Lynch

The hearing began with Jonathan Levin, Chair, explaining the hearing process and then Stanley Ross, Clerk, read the legal notice (which was posted for 2 consecutive weeks in the Berkshire Eagle and at the Town Hall) and letters from the Conservation Commission, Board of Health and abutters.

Steve Seddon, contractor for the applicant presented the proposed project to the Board.

The public portion of the hearing was closed and the Board began their deliberations. Jon inquired of the other members that have served longer regarding their memory of previous proposed projects that were within the 40ft buffer zone.

The Board discussed the potential impact of the proposed project which Jon argued was minimal when you considered the character of the rest of the neighborhood and therefore would not be substantially more detrimental. Other arguments were given about tipping points and no further encroachment in the 40ft buffer zone in the neighborhood.

Jon made a motion to approve the application for a special permit as it is not substantially more detrimental to the neighborhood with the following conditions: 1. The piers would need to be moved back closer to the house to the greatest extent possible. 2. There can only be a total of 3 piers. 3. There cannot be any exterior lighting which would shine toward the lake or neighbors. Discussion ensued about trees. The contractor will not be taking any trees down and in fact will be encouraging the planting of more to hold the bank. The motion was seconded. Jon, Gary and Stan voted in the affirmative as they felt the proposal would not be more detrimental and Susan and Fred voted negatively feeling it would be more detrimental. Therefore the permit was denied.

The Board made the following findings:

- The property is in the Lake Shore District and fronts on Lake Buel.
- The property is non-conforming due to lot size, lack of frontage and a non-conforming single family dwelling on the lot. The lot and existing non-conforming single family dwelling are grandfathered under the current By-Law.
- Applicant seeks a Special Permit to permit expansion of the non-conforming dwelling by adding a deck addition of approximately 292 sq. feet on the lake side of the existing dwelling. On the north side of the dwelling, the new deck will not increase the side setback nonconformity (presently 3.5 feet); on the south side, the new deck will not encroach on the 15 foot side set back requirement of the By-Law (see By-Law Section 4.2.1, double asterisk). On the lake/west side of the dwelling, the proposed new deck will encroach into the 40' setback requirement from the high mean high water line of Lake Buel, in violation of Section 4.2.2(Note 2) of the By-Law, with approximately 60% of the new deck extending into the 40' set back requirement.
- The proposed work will increase the non-conforming nature of the dwelling on the Lot, and will encroach upon the 40' lake front set back requirement of the By-Law.
- The neighborhood is densely populated with a large mix of varied size properties.

The hearing concluded at 4:04pm

At 4:05pm Dennis Lynch proposed to the Board an invitation to a working group being formed for the MVP Grant we received.

Submitted by

Melissa Noe, Administrative Assistant

