

# ZONING BOARD OF APPEALS



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

## DRAFT MINUTES

June 15, 2016

**Members Present:** Richard S. Novak, Ron Steffek, Rodger Brown, Jonathan Fitch

Mr. Novak called the meeting to order at 8:02 p.m. in the Sherborn Town Hall, Room 204B.

A discussion was held regarding a clarification on a previous Finding for 40 Maple Street. Nate Dishington as owner of the property and petitioner of the Finding, presented the information to the Board. Peter Tsicoulis, Mr. Dishington's lender was also present. Nate is requesting clarification from the Board that the minor changes that has been made to the design of the house does not change the Finding that was issued on October 15, 2015. Both the house and garage have moved slightly, possibly a foot but is still within the current setbacks of the Zoning By-laws. There is also a slight change in the pitch of the gables but the highest point of the roof line did not change.

Ron Steffek made a motion to accept the modification for minor changes to the plans presented for the new dwelling at 40 Maple Street, seconded by Jonathan Fitch.

Motion passed unanimously.

Rodger Brown joined the hearing as a new Board member. Ron Steffek made a motion to re-organize the Board since our past Chairman, Alan Rubenstein did not wish to be reappointed. Ron nominated Richard S. Novak as new Chair, seconded by Jonathan Fitch. Motion passed unanimously.

### **21605**

A petition for a special permit under Sections 3.2.17 & 3.2.19 to allow for the operation of a construction and landscaping services and to maintain an office at 6 Powderhouse Lane which is in a Business G district. It was noted that this property is under new ownership and is the reason for the Special Permit. Mr. Tom Fitzgibbons presented the case for this petition for Barsky Estate Realty Trust. He stated that the Special Permit will operate the same as in the previous

petition with the same tenants and same purpose. Ron Steffek moved to grant the special permit to allow for the operation of a construction and landscaping business and to maintain an office with a two year term expiring July 1, 2018 with the same conditions as in the previous Special Permit# 21307. Mr. Novak amended the motion to include signage and the motion was seconded. This motion was approved unanimously and the application was granted.

### **21606**

The petition of Kevin Cole for a Variance from Section 4.2 to construct a 12 x 20 foot shed at 19 Ivy Lane. Mr. Cole presented the case for his petition, showing plans of the shed and his lot. He stated that because of the shape of the property and the location of the septic field, there was no other place for the location of the shed. If he moved it, it would be dead center in his lot and block watching his children in the back yard. Marie Kelfer, an abutter from 21 Ivy Lane spoke regarding this petition. She said that her and her husband have met with Mr. Cole and that he had agreed to put up some sort of bushes/plantings to screen the shed from their side of the property. No other abutters spoke. Ron Steffek explained to Mr. Cole that the Board does not grant variances easily. It has to be unusual circumstances. The Board always tries to see if there is a spot that would be in compliance with the Zoning By-laws. Mrs. Kelfer stated that she is okay with the location of the shed and is just hoping for year round greenery to block it. Jonathan Fitch spoke to the fact that the abutter did not object and that there may be a hardship placing the shed elsewhere. There is grounds for a variance with the shape of the property and it is a small structure. Mr. Cole said that he has tried to place the shed in harmony with the property. Rick Novak said that he is more in line with Ron Steffek regarding the issuance of variances. The Board tends to force something back within the setback requirements. Mr. Steffek said that in looking at the plot plan there are several ways to have the shed located within the zoning setback of 30'. Mr. Cole stated that it would be a significant cost to try and locate the shed. Mr. Novak stated again that this does not meet the standards as to why the Board could issue a variance. He said that that the Board votes to deny the petitioner a variance, he could not apply for a variance again for the shed for a term of 2 years and suggested that Mr. Cole withdraw his petition. Mr. Cole asked for a vote on his petition, Mr. Novak made a motion to deny the petition, seconded by Mr. Steffek, motion passed unanimously.

### **21607**

The petition of Amy Porchenick-Reardon for a Variance from Section 4.2 to construct a 2 car garage to a pre-existing, non-conforming dwelling on a pre-existing, non-conforming lot at 83 Forest Street. Mrs. Reardon presented the case for her petition and had plans of the property and the garage. Mr. Novak stated that this is a different situation than the previous petition in that there would be a considerable challenge due to the shape and size of the lot to put the garage elsewhere. Mr. Reardon spoke on the need for a garage in the winter. No comments from the public were heard. Mr. Novak stated that this would be an increase in the non-conformity of the dwelling and the lot. Because the lot is 1/10 of the required size, nothing can be done without violating the setbacks. Mr. Reardon said that they had looked at other options but there aren't any. The driveway cut would remain the same. Ron Steffek was generally amenable to granting the variance. No other place on the lot to put it. This meets the criteria for a variance. Rodger Brown made a motion to grant the Variance petition, Mr. Novak seconded the motion. Motion passed unanimously.

The Board set the next hearing date of July 27, 2016 at 8:00pm. Mr. Steffek made a motion to adjourn the hearing, motion passed. Meeting adjourned at 8:50pm.

This meeting adjourned at 10:00 p.m.

Respectfully submitted,  
Samantha Shepherd