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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, February 3, 2020

Call to Order

The meeting was called to order at 7:30 p.m. in the Town Hall, 66 Westford Street. Chair Snell advised those present that the hearing was being recorded and asked if anyone present was also recording the hearing. Helen Lyons, reporter from the Mosquito was recording the hearing.

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 Gretchen Anderegg and Eric Adams. Associate Member Lisa Davis Lewis was not present.

Statement of Compliance

The issue of compliance regarding posting of the meeting was confirmed by the Chair. According to Secretary Wang, the Meeting Notice was posted in Town Hall on January 28, 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. Frank Golis, 282 Brook Street, spoke about his concern regarding the compliance to the conditions in the 2015 decision granted to Scott Jenney, 303 Brook Street. Mr. Golis was advised the Mr. Jenney's Special Permit will be expiring soon and that it would be appropriate to address his concerns during the public hearing when Mr. Jenney requests a renewal of the Special Permit.

Approval of prior minutes

The Board voted to accept the minutes from December 9, 2019 as amended.

New Business – Case 2001

Chair Snell opened the public hearing for Case 2001, the application of Elmer Lai requesting a Variance, pursuant to Carlisle Zoning Bylaw Section 7.5, of Section 4.5 of said Bylaw to build a roof projecting 13 feet in to the yard where 3.5 feet is permitted. The property is located within the Residence B District at 111 Carriage Way.

Present were the Applicant's representative Civil Engineer Bernard Hamill, general contractor for the project Donald Cusano, Mosquito report Helen Lyons, Secretary Peggy Wang and members of the public.

Secretary Wang reported that no correspondence had been received.

Petitioner's comments

The Applicant's representative, Civil Engineer Bernard Hamill with H-Star Engineering, presented the plans to build a new garage and patio. Planning for the propose garage and patio started 1.5 years ago. The plans complied with zoning until the property owner recently proposed a roof over the patio. The Building Commissioner advised Mr. Hamill that a Variance would be required for relief from the Bylaw that limits the distance a roof can project into the yard to three and one-half (3 ½) feet. The proposed roof would project thirteen (13) feet in to the yard providing cover for the 20" x 38" propose patio. While the patio encroached in to the setback it is consider part of the landscape and is considered conforming. Mr. Hamill stated that the patio would not be enclosed in any manner including screening.

Board’s comments

The Board asked if the Conservation Commission imposed any conditions regarding the patio floor. Mr. Hamill explained that the drainage system was designed to accommodate the Conservation Commission’s condition. The Board reviewed the plans and confirmed with Donald Cusano, the general contractor, that there was no plan to pour a foundation to support the roof. Mr. Cusano said that pier would be used to support the roof and be placed on crushed stone. The Board noted that the structure must remain an open air space and discussed a condition in granting the variance that states under no circumstance can the space be enclosed in any way, shape or form.

Public comments

Bob Wallhagen, an abutter at 63 Timothy Lane, and Brian Anderson, an abutter at 346 East Riding Drive, were present and reviewed the plans. Mr. Anderson asked if there would be any additional landscape screening. Mr. Hamill said there was none planned. Mr. Wallhagen had “no comment”.

Deliberation and Decision

The board deliberated the case and determined it appropriate to grant the Variance. The Board voted 3-0 in favor of the granting the Variance for relief from Bylaw 4.5 to build a roof over a proposed patio that would project thirteen (13) feet in to the yard exceeding the provision of the Bylaw by nine and one-half (9 ½)feet, Snell (aye), Crespo (aye), and Hinton (aye). Non-voting Associate Members also voted in favor 2-0 Adams (aye) an Anderegg (aye).

The decision was based on the standard findings and subject to the standard conditions with the following specific conditions:

- 1) There shall be no poured foundation to support the roof support columns in the setback. The foundation support columns that in turn hold-up the roof.
- 2) Only piers placed on crushed stone can be used to support the roof support columns in the setback.
- 3) There shall be no continuous poured concrete walls in the setback.
- 4) The patio area shall never be enclosed in any shape or form including screening.

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 Variance/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 8:05 pm.

Respectfully submitted
Peggy Wang