

## **ZONING BOARD OF APPEALS AGENDA / August 23, 2020 at 6pm**

Downstairs, Community Room, Town Hall, 39 South Street, Hinsdale

posted 8:30am on 7/21/2021 revised 8/10/2021

The Public is welcome to attend the meeting.

The Hinsdale Zoning Board of Appeals will hold a meeting on Monday, August 23, 2021 at 6:00 p.m. at the Hinsdale Town Hall, 39 South Street, Hinsdale, MA 01235. The meeting is to act on an application filed by Steve and Kristin Lamontagne at 299 South Shore Road, Hinsdale, MA 01235 (Map105, Lot 34) for a special permit. The application is to replace an existing single-family dwelling with a new single-family dwelling on same footprint on a nonconforming lot.

Copies of the permit application and plans are available for examination.

The Hinsdale Zoning Board of Appeals will hold a meeting to act on application for a special permit under section 6,6A non-conforming structures, uses and lots.

Joseph and Billie Henderson at 154 Shore Drive, Hinsdale, MA 01235, Map 112 Lot 287 proposes to construct an addition to a single family dwelling.

## **ZONING BOARD OF APPEALS MINUTES / August 23, 2020 at 6pm**

Downstairs, Community Room, Town Hall, 39 South Street, Hinsdale

posted 5pm on 8/26/2021

Present was: Jeff Viner-Chairman

Bruce Alexander

Dan Thornton

Terry Douglas-Clerk

Mr. and Mrs. Kellogg

Ken Boudreau representative for Kristin and Steve Lamontagne and

Joseph and Billie Henderson

Meeting called to order by Jeff Viner at 6pm.

Jeff Viner said first application to act on will be for Kristin and Steve Lamontagne of 299 South Shore Road, Hinsdale, MA 01235, Map 105, Lot 34. They are looking for a special permit under section 6,6A non-conforming structures, uses and lots. Applicant proposes to replace an existing single-family dwelling with a new single-family dwelling on the same footprint.

Jeff Viner turned it over to Ken Boudreau the representative of Kristin and Steve Lamontagne to explain in detail what they will be building. They want to remove the existing house and replace it with a two-story house on the same footprint. It will have the same decks and same setbacks except for what they would like to request is the existing deck property line is 3'6" which would make it hard to get in and do work. Without encroaching on the neighbors. So would like to spin the house a little on the left so they would be 8' off the property line. Which would cause to lose a little bit of front set back would go from 31'.5" to 26'.58." This would open up the 3'.6" to 8'2" making it easier to do construction. Jeff Viner asked if there was a foundation and Ken Boudreau said no it is on piers. They want to put a foundation in would then have a basement and the first floor and driveway will come in and they will have a walk in. Ken Boudreau said they went to the conservation commission and did a notice of intent and got an order of conditions. They will be a little bit further from the lake with the rotation and gain a little more side set back but will lose a little bit of front set back but will not be any closer to the neighbor. Jeff Viner asked he had a plot plan showing the neighbor's house. Ken Boudreau said he did not have one. Jeff Viner asked Terry Douglas if we had received any notice about this application. Terry Douglas said not letters, email or phone calls. Jeff Viner asked if there are neighbors across the street. Ken Boudreau said there were not only an old logging road that goes up past Wayne Walton property. Jeff Viner asked Terry Douglas if we had any objections from Wayne Walton. Terry Douglas said we had not. Bruce Alexander said that a neighbor came up to him when he was on the property and mentioned that the land was very wet and seemed concerned. Ken Boudreau said they would be doing hay bales because there is such a run off to the lake. He also said he told the conservation commission if there were issues doing the foundation, they would use silt bags. Conservation commission asked them to use coconut rolls and hay bales. Conservation commission also wants dumpsters put up on the roadside during the construction so nothing will be down near the lake.

Jeff Viner asked if the board had any other questions and they said no. He asked the public if they had any questions and they said no.

Jeff Viner said they would be voting on two things. One would be to replace the existing house with a new one and rotating the house.

Jeff Viner will make it one vote to approve the project as stated by Ken Boudreau with the rotation of the house. The contingency will be that they have to follow all what the Conservation Commission has laid forth and they have to stay within the size footprint which is 27'.7" x 23' feet. They can rotate it but cannot get any closer to the side properties and lake.

Jeff Viner called for a vote:

Bruce Alexander voted yes

Jeff Viner voted yes

Dan Thornton voted yes.

On August 23, 2021 at 6:15 the Hinsdale Zoning Board of Appeals approved the application set forth by Kristin and Steve Lamontagne.

The Hinsdale Zoning Board of Appeals meeting to act on the application from Joseph and Billie Henderson of 154 Shore Drive, Hinsdale, Ma. 01235. Map 112, Lot 287 for a special permit under section 6, 6 A non-conforming structures, uses and lots. Applicant proposes to construction an addition to their single-family dwelling. Representing the owners is Ken Boudreau of Hill engineering.

Jeff Viner asked Ken Boudreau to explain the details of the project.

Ken Boudreau said the owners live in TN and come up in the summer. They have a house 1159 square feet that is a ranch with a walk out basement. They would like to move up here presently. Demolition of existing deck with stairs going down to stone walk area with planters. They want to take down the deck and stairs and replace it with 395 square foot addition on the back of the house with a screen room and 400 square foot deck. Come out of the addition and down stairs to underneath the deck. This would all be up on the house main floor and an opening for storage underneath. The deck will be on piers and the addition will be on foundation. The 40,000 required and they have 13,000 and the zoning frontage required is 150' and they have 100'. Ken Boudreau said he looked up all the other properties and they are all at 100 feet frontage. There will not be any change on the frontage set back and side setbacks no change. The required rear set back is 20 feet and they have 70' but it will go to 50'. Jeff Viner asked that the rear yard is the lake and Ken Boudreau said yes. Ken Boudreau said the property line follows the mean high water. The biggest change is the rear yard setback to 50'. Ken Boudreau said he went to the Conservation Commission and received an order of conditions.

The neighbor's house is closer to the lake than the deck will be. Jeff Viner asked if the new deck and the neighbor's deck will be facing each other. Ken Boudreau said they would not. Since the neighbor's deck is closer to the lake his view will not be obstructed by the new addition and deck. Jeff Viner asked if the new addition will be taller than the house. Ken Boudreau would not be taller and will not look any different from the street. Bruce Alexander asked that the land sloped down. Ken Boudreau said it did and that since it was flat the Conservation Commission was not worried about run off to the lake. Dumpsters will be left in the driveway during the construction of the addition and deck and nothing would be by the lake.

Bruce Alexander asked Terry Douglas if we received any correspondence regarding this application. Terry Douglas told me had not received any email, letters or phone calls. Jeff Viner asked if anyone had any questions but there were not any.

Jeff Viner called for a vote:

Bruce Alexander voted yes

Jeff Viner voted yes

Dan Thornton voted yes

On August 23, 2021 at 6:25pm the Hinsdale Zoning Board of Appeals approved the special permit application for Joseph and Billie Henderson of 154 Shore Drive, Hinsdale Ma 01235. The conditions are they have to follow the Conservation Commission conditions and has to be built based on this proposal given to them tonight.

Ken Boudreau asked how long they have to start building because of price of materials have gone up. Jeff Viner told him they have one year which to start building which is stated in the Zoning Board by-laws.

The ZBA voted to grant a variance in the meeting on May 13, 2021 for applicant James Johnson of 100 White Birch Lane, Hinsdale, Ma 01235 to build a garage on the property. Jeff Viner proposed tonight that the letter given to us from the abutters and residents with all the provisions and conditions that were agreed upon by them and James Johnson in building his garage be added to the order of conditions and notice of decision. An additional condition is that the garage doors will face North and enter as a turn off from the Johnsons' existing driveway, not directly from White Birch Lane.

Jeff Viner called for a vote of the Hinsdale Zoning Board of Appeals to add the letter and the additional condition of the direction the garage doors will face North and entering as a turn off from their existing driveway, not directly from White Birch Lane to the order of conditions and notice of decision.

Jeff Viner voted yes

Bruce Alexander voted yes

Dan Thornton voted yes

Motion to close the meeting at 6:30pm.

## **ZONING BOARD OF APPEALS MINUTES / June 20, 2020 at 6pm**

Downstairs, Community Room, Town Hall, 39 South Street, Hinsdale

posted 8am on 6/27/2021

Meeting was called to order at 6:00 pm by Jeff Viner

Present was: Jeff Viner-Chairman

Bruce Alexander

Dan Thornton

Terry Douglas-Clerk

Bonnie Capogna

Steven Capogna

Jeff Viner asked Bonnie Capogna to explain what they are building. Bonnie Capogna said they wanted to build a two-story addition but they are on a non-conforming lot due to the frontage in the R-2 district. There is only 20,000 feet and they need 40,000 feet of frontage.

Jeff Viner asked about the side and back set-backs. Bonnie Capogna said original home is 41 feet back from the road but the new addition will be 47.5 feet. They will be closer to the back neighbor but still within the 20 feet set-back. Bruce Alexander asked if we had received any emails, calls or letters regarding this application. Terry Douglas said we had not received any correspondence.

Jeff Viner asked how big addition will be and Bonnie Capogna said it will be 30 feet by 19 feet. Jeff Viner asked would they be under the height restriction and Bonnie Capogna said they will be under it.

Jeff Viner asked if they were on town water. Bonnie Capogna said they were not; that there is a well but had already had a plumber out to check the distance of the well from the addition and were told they are good.

Bonnie Capogna asked how long the special permit was good for because of the high cost of building materials they would like to hold off till the prices come down. Jeff Viner said they needed to start within one year of the special permit being granted but they could ask for an extension due to the Covid causing the high costs.

The vote taken was unanimous to approve this application for the variance of the shortage of set back of the front of the property.

Motion to close the meeting at 6:15 pm.

## **ZONING BOARD OF APPEALS AGENDA/ May 13, 2020 at 6pm**

Downstairs, Community Room, Town Hall

posted 8am on 5/4/2021

### **HINSDALE ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARING**

The Hinsdale Zoning Board of Appeals will hold a conference-call/hearing on Thursday, May 13 at 6:00 p.m. to act on an application filed by James Johnson, 100 White Birch Lane, Hinsdale, MA 01235 (Map 114 , Lot 26 ) for a variance. The application is to build a garage.

Copies of the permit application and plans are available for examination.

The Public is welcome to participate in the conference-call/hearing by calling: 413-449-5095; code 706954#. Please call 3-5 minutes before the conference call/hearing is scheduled to begin.

Terry Douglas ZBA Clerk

### **HINSDALE ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARING**

The Hinsdale Zoning Board of Appeals will hold a conference-call/hearing on Thursday, May 13 at 6:15 p.m. to act on an application filed by Richard LaLonde, 341 Ashmere Road, Hinsdale, MA 01235 (Map 112, Lot 54) for a variance. The application is to build a room addition along the side of the existing residence.

Copies of the permit application and plans are available for examination.

The Public is welcome to participate in the conference-call/hearing by calling: 413-449-5095; code 706954#. Please call 3-5 minutes before the conference call/hearing is scheduled to begin.

Terry Douglas ZBA Clerk

## **ZONING BOARD OF APPEALS AGENDA/ November 17, 2020 at 6pm**

Downstairs, Community Room, Town Hall

posted 8:40am on 10/26/2020

### **NOTICE OF PUBLIC HEARING**

The Hinsdale Zoning Board of Appeals will hold a conference-call/hearing on Tuesday, November 17, 2020 @6:00 p.m. to act on an application filed by James and Denise Imprescia, Comer of Calvin and Ashmere Road, Parcel number 555- 560 at Lake Ashmere, Hinsdale, MA 01235 (Map 112, Lot 84) for a variance. The application is to build a 2-story year round home on the property/parcels listed.

Copies of the permit application and plans are available for examination.

The Public is welcome to participate in the conference-call/hearing by calling: 413-449-5095; code 706954#. Please call 3-5 minutes before the conference call/hearing is scheduled to begin.

Terry Douglas ZBA Clerk

## **ZONING BOARD OF APPEALS MINUTES / November 17, 2020 at 6pm**

Downstairs, Community Room, Town Hall

posted 8:3am on 11/24/2020

Meeting was called to order at 6:02 pm by Jeff Viner

Present: Jeff Viner-Chairman

Bruce Alexander

Dan Thornton

Richard Scialabba (Alternate)

Terry Douglas-Clerk

Cam Brown-architect

James and Denise Imprescia by teleconference

Michael and Rhea Scott by teleconference

Everyone was wearing masks during the meeting

Jeff Viner called the meeting to order and read the application. The variance is needed because the frontage needed is 150 feet and there is only 135 feet and the lot size needed is 40,000 feet and there is only 18,200 feet.

Jim Imprescia thanked everyone for allowing them to present their application. They want to move and build the house to be closer to family. They are retiring and want this to be their permanent year-round residence.

Jeff Viner recused himself from voting as he has been advising Jim and Denise Imprescia and may be the builder but at this time no contracts had been signed. They had applied earlier but cancelled because the original house was too big and would not fit the property and neighborhood. They then hired Cam Brown to do blueprints on a smaller home.

Jeff Viner asked if there had been any responses from any abutters. Terry Douglas said no letters for or against had come in. She received one phone call from Rhea Scott asking if there was septic or was there a town

hookup. Terry Douglas explained she did not know so Rhea Scott was going to contact someone from the sewer and water dept.

Michael Scott spoke by phone and explained he and Rhea live at 118 Calvin Road which is the last house on the street. He said he had been told they were the last property that had a town hook up and was concerned the road would be torn up to put in a hookup for the new house. Richard Scialabba explained if they were paying a sewer betterment fee then there is a hookup already on the property. He had also contacted the sewer and water inspector and was told there is a hookup for the sewer. Rhea spoke and said she had also contacted Bud Hall about the sewer hookup. Jeff Viner said if they do have to tear up the dirt road it would only take 2 ½ hours and they would have ample notice and there is another way to get out of their house.

Michael Scott asked if they would have to put in a well on the property and Jeff Viner said they would have to put in a well.

Michael Scott asked would the driveway go on the Ashmere or Calvin road. Jim Imprescia said it would probably go on the Ashmere Road side. Cam Brown said there would be a screen porch over the garage.

Michael Scott asked if there were enough feet from the lake setback of the high water mark to the house and Cam Brown said yes there are enough feet. Cam Brown said the permit would probably have to go to the conservation committee if approved by the ZBA.

Michael Scott expressed concern about the construction and noise from the house being built because it would impact rental income from their house. Jeff Viner explained that there are restrictions on not starting work before 7am and no work on Sundays. If there is a violation, they could contact the police department.

Michael Scott asked what is the process if someone wants to appeal the ZBA decision. Jeff Viner explained there is 20 days for abutters to appeal the decision. They would have to hire a lawyer at their own expense and it would then go to land court.

Jeff Viner asked Cam Brown if he felt the design of the house would fit into the neighborhood and Cam said yes it would.

Jeff Viner asked James and Denise Imprescia if they had anything to add. Denise Imprescia said she was really looking forward to being closer to family. She had also grown up on the lake and could not wait to move back.

Cam Brown explained that these lots would add up and make it one of the bigger lots on Lake Ashmere.

Michael Scott asked would the new house face out on the Calvin or Ashmere Road. He said he would like it better if it was facing the Ashmere Road. Cam Brown said probably would be the Ashmere Road but it would depend on the sewer lines.

Michael Scott asked if the two lots at the end would be leveled out. Cam Brown said that was the plan unless it caused problems to the neighbors.

Dan Thornton asked would the sewer capacity be big enough. Cam Brown said it is big enough and that it is gravity fed down to the grinder.

The vote taken was unanimous to approve this application for the variance of the shortage on their set back of the property.

Motion to close the meeting at 6:33 pm.



Read the Notice of Imprescia Decision.

## **ZONING BOARD OF APPEALS AGENDA / October 20, 2020 at 6pm**

Downstairs, Community Room, Town Hall

posted 6:20pm on 10/14/2020

Public may attend meeting in person or by phone: 413-449-5095; code 706954

Meeting to act on an application filed by Glasser Nominee Trust, 144 White Birch Lane, Hinsdale, MA 01235 (Map 114, Lot 020) for a special permit. The application is to add an addition on their existing house.

The board will also review and vote on extending the variance for

Maggie MacWilliams of 31 Old Dalton Road, Hinsdale, MA 01235 to replace existing mobile home with a new modular home that is 49' x 26' on a non-conforming building lot.

Adjourn

## **ZONING BOARD OF APPEALS MINUTES / October 20, 2020 at 6pm**

Downstairs, Community Room, Town Hall

posted 6:10pm on 10/21/2020

Meeting was called to order at 6:05 pm by Jeff Viner

Present was: Jeff Viner-Chairman

Bruce Alexander

Dan Thornton

Terry Douglas-Clerk

Randall Locklin by teleconference

Everyone was wearing masks during the meeting

Randall Locklin explained they were adding a 12' x 12' addition to the street side of the house. The setbacks now are 7'2" on one side of the house and 17'6" on the other side and so the side they are putting the addition will be going to 8' instead of the 7'2". The new addition will be 2'1/2 feet longer. The new addition will be the same look and style that is already there. When the original house was built in 1965 so there was no zoning in place back then. They will not be adding a porch on to the new addition. Jeff Viner asked why there was an excavator on the property already. Randall Locklin said they are removing the existing old addition. They are building to square of the house and add a bedroom.

Jeff Viner asked if there had been any responses from any abutters. Terry Douglas said no one had contacted her. We did not have anyone show up for the meeting.

The vote taken was unanimous to approve this application for the variance of the shortage on their set back of the property. The variance was granted contingent on approval of the Conservation and Building Inspector.

Maggie MacWilliams requested to extend the variance to replace the mobile home with a modular located on 31 Old Dalton road, Hinsdale, MA 01235. The work has to be started by 10/20/21. If it does not start by that date Maggie MacWilliams will have to reapply. The vote taken was unanimous to approve the extension.

Motion to close the meeting at 6:15 pm

Read the Notice of Glasser Decision.

## **Zoning Board of Appeals Agenda / September 28, 2020 at 6pm**

Community Room, Downstairs, Town Hall, 39 South St, Hinsdale, MA

posted 9/14/2020 at 7:30pm

Public may attend meeting in person or by phone: **413-449-5095; code 706954**

6:00 PM Open Meeting to act on an application filed by Ward and Marion Tinney at 350 Longview Avenue, Hinsdale, MA 01235 (Map 406, Lot 6) for a special permit. The permit is to build a new dwelling on the property.

Copies of the permit application and plans are available for examination.

The public is welcome to participate in the conference call, please call 3-5 minutes before the hearing is scheduled to begin.

## **ZONING BOARD OF APPEALS MINUTES / September 8, 2020 at 6pm**

Downstairs, Community Room, Town Hall

posted 9:40am on 10/2/2020

Meeting was called to order at 6:00 pm by Jeff Viner

Present: Jeff Viner-Chairman

Bruce Alexander

Dan Thornton

Terry Douglas-Clerk

Marion Tinney-applicant

Robin and George Knapp

Evan Knapp

Everyone was wearing masks during the meeting

Marion Tinney explained that as they are getting older and are turning more of the running of the Fernwood Campgrounds to her daughter and son in-law Robin and George Knapp. They want to build a house for their grandson Evan Knapp on the property because he also works at the campground. It will be close to the barn and 300 yards left of the propane tank. Robin Knapp said that Fox Modular will be doing the work. They had

already been up to see where would the best part to place the house. Jeff Viner said it may be a problem with having a second home on one lot. Marion Tinney told us that the existing building is the office and she and Ward live upstairs and the new house would be the only residential dwelling.

Jeff Viner asked how much of their frontage had been given to Mike McNeil. Marion Tinney said 75 feet was given to Mike McNeil leaving them with 150 feet of frontage. Jeff Viner looked on the Assessor site to see what zone the property is in. The property is in R5 which they would need 250 feet of frontage.

Bruce Alexander asked if there would be an issue with wetlands. George Knapp said the property goes back to the reservoir and that is where the little streams are located. None are near the buildings are the campgrounds.

Dan Thornton asked about the placement of the new house in proximity of the propane tanks. George Knapp said the tanks are at least 300 feet away. Jeff Viner said that would be an issue for the building inspector.

The vote taken was unanimous to approve this application for the variance of the shortage on their frontage of the property. The variance was granted contingent on the side setbacks being in compliance. The second contingent was that the planning board approves a second building on the lot. Mr. and Mrs. Tinney will also be contacting the building inspector and the conservation committee.

Motion to close the meeting at 6:20 pm.

Read the Notice of Decision.