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TOWN OF CHARLTON
Minutes of Zoning Board of Appeals
Tuesday, September 13, 2022, 7:00pm
Senior Center
Town Hall, 37 Main St., Charlton, MA

Present: Frank Lombardi, Eric Falcone, Shane Woodson, Jason Bibeau, Ryan Avery¹ and Garrett LaFrance.
Absent: Robert McGrath.

Also present: Curtis Meskus, Zoning Enforcement Officer

1. Call to Order

Chairman Lombardi opened the meeting at 7:08pm.

2. New Business – Public Hearings:

- a. John M. Brand, petitioner for the property located at 107 Leland Dr., Charlton, MA, Assessors Map 73, Lot A, Block 54, has applied to the Zoning Board of Appeals for an appeal of the Zoning Enforcement Officers decision that the proposed garage does not meet the current Town of Charlton Zoning requirements for setbacks in a letter dated June 29, 2022. Present for discussion: John M. Brand.

Mr. Lombardi asked Mr. Brand to explain what he is proposing and why this board should grant him whatever the relief is that he seeks. Mr. Brand stated that he is looking to put a prefab 24 X 24 shed/garage on his property. He has plenty of room on his property but miscalculated the natural lay of the land. If he allowed for the 15' side yard setback, it would make the garage unusable. He is requesting a 6 ft relief off the side yard. This is the flattest part of the yard.

Questions were asked about the design and location on the property and answered. Mr. Meskus was asked to come forward. He provided information to the board and persons present for this property. He reiterated what the applicant has applied for. He stated that we have done a number of variances and special permits for this area. He doesn't see any problems or hardships this would cause to the neighbors. His only request would be that the condition be that once he sets the structure that he provide a registered land surveyor's asbuilt to make sure that he complies with the variance.

Mr. Lombardi called the Selectmen's Office, Planning Board, Building Inspector, Zoning Enforcement Officer, Town Clerk, Conservation, Board of Health, Education, Library, Police, Fire or any other board have any comments? Any members of the public? With no further discussion, **motion by Mr. Woodson to close the hearing at 7:17pm, seconded by Mr. Falcone. Vote taken: Mr. Avery – aye, Mr. Bibeau – aye, Mr. Woodson – aye, Mr. Falcone – aye, Mr. LaFrance – aye and Chairman Lombardi – aye. Motion by Mr. Avery to approve the applicant's request for a variance of 9 feet of relief +/- on the southerly side yard set back for a proposed 24 X 24 garage as set forth in the application with the condition that the applicant submit an asbuilt**

¹ Mr. Avery entered the meeting at 7:11pm

plan from a registered land surveyor following construction, seconded by Mr. Woodson. Vote taken: Mr. Avery – aye, Mr. Bibeau – aye, Mr. Woodson – aye, Mr. Falcone – aye, Mr. LaFrance – aye and Chairman Lombardi – aye.

Mr. Lombardi explained to Mr. Brand that we will file this with the Town Clerk and there is a 20 day appeal period. Once the appeal period is up, we will give you a call for you to take the approved variance to the registry of deeds, have it fully recorded, you have to record all pages on it and after that, go back to the Zoning Enforcement Officer and he will issue the permit.

- b. John Nagelschmidt, petitioner for the property located at 77 Leland Dr., Charlton, MA, Assessors Map 73A, Lot 38, Block A has applied to the Zoning Board of Appeals for an appeal of the Zoning Enforcement Officers decision that the property is a pre-existing non-conforming lot and does not meet the current Town of Charlton Zoning requirements for required setbacks, lot size or frontage in a letter dated June 29, 2022. Present for discussion: John Nagelschmidt, Donna Nagelschmidt and Michael Landry.

Mr. Lombardi asked Mr. Nagelschmidt to explain what he is proposing and why this board should grant him whatever the relief is that he seeks. Mr. Nagelschmidt said they are requesting to build on a non-conforming lot and a special permit for the existing setbacks. They have a 24 X 32 ft house that is currently there and would like to replace the house on the same spot.

Mr. Meskus provided information to the board and those present at the meeting. He said they have done a number of these in this area Mr. Nagelschmidt said it will be the same size foundation and a little taller. Mr. Avery asked Mr. Meskus if they are building on the same footprint, is this even an alteration of extension if they are building on the same square footage? Mr. Meskus said his concern is the volume of this structure is significantly more than what is presently there. As other neighbors have done to come before this board, he is trying to be consistent.

Mr. Lombardi called the Selectmen's Office, Planning Board, Building Inspector, Zoning Enforcement Officer, Town Clerk, Assessors, Conservation, Board of Health, Education, Library, Police, Fire or any other board have any comments? Any members of the public? With no further discussion, **motion by Mr. Woodson to close the hearing at 7:28pm, seconded by Mr. Avery. Vote taken: Mr. Avery – aye, Mr. Bibeau – aye, Mr. Woodson – aye, Mr. Falcone – aye, Mr. LaFrance – aye and Chairman Lombardi – aye. Motion by Mr. Falcone to grant the applicant's request for a variance in the following ways: relief of 14,050 sf gross dimensional square footage +/-, variance for the side yard setback on the right side – 13ft, 2" +/- on the right side, 9' 2" +/- on the left side, variance from the frontage requirement – relief of 56' 2" +/- and variance from the front yard setback – 16' 3" +/- as shown on the drawings submitted by the applicant and to grant a special permit for pre-existing non-conforming lot which is no more detrimental to the neighborhood.** Mr. Meskus asked before that gets seconded, granting a variance for frontage is not really doable. You can grant relief from setbacks, but you can't give them frontage, you can't give them something that doesn't exist. **Mr. Falcone amended his motion to remove the variance relief of the frontage and square footage and keep the rest the same, seconded by Mr. Woodson. Vote on the amendment: Mr. Avery – aye, Mr. Bibeau – aye, Mr. Woodson – aye, Mr. Falcone – aye, Mr. LaFrance – aye and Chairman Lombardi -aye.** Mr. Lombardi asked if there is a second to the motion for the variance on the setbacks and special permit for the pre-existing non-conforming structure, seconded by Mr. Woodson. Vote taken:

Mr. Avery – aye, Mr. Bibeau – aye, Mr. Woodson – aye, Mr. Falcone – aye, Mr. LaFrance – aye and Chairman Lombardi – aye.

Mr. Lombardi explained to Mr. Nagelschmidt that we will file the special permit/variance with the Town Clerk and there is a 20 day appeal period. After the 20 days, you will need to have the whole document recorded at the registry of deeds and then go back to the Zoning Enforcement Officer and he will issue the permit.

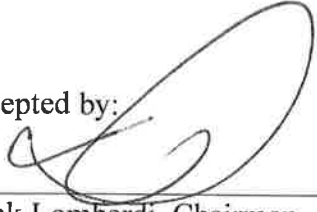
3. Review and approval of minutes of July 12, 2022. **Motion by Mr. Avery to approve the July 12, 2022 minutes, seconded by Mr. Falcone, motion carries with Mr. Woodson abstaining.**
4. Review and approval of minutes of August 9, 2022. **Motion by Mr. Avery to approve the August 9, 2022 minutes, seconded by Mr. Falcone, motion passes.**
5. Old Business – 66 A F Putnam Road Appeal. Mr. Meskus stated that on his behalf, the Town of Charlton has filed paperwork appealing the Zoning Board's lack of approval of that property. The reason being that when Attorney Silverstein was asked to help in filing this, he pointed out that we made an error. The error was that we had a quorum, 3 out of 5 members but we did not have enough members to vote to overturn. The choice to give the applicant was that if the board was to vote to uphold the Zoning Enforcement Officers decision, it would have forced them to do a continuance. Attorney Silverstein has filed this in land court, all members will be served individually and as a whole.
6. Other Business (unknown at time of posting) – Chairman Lombardi said that one thing Mr. Meskus mentioned tonight is that we should look at the application for a variance and the application for a special permit and look at re-doing them in the next six months or so.

Ms. Devlin asked if the board wanted a letter sent to Mr. McGrath due to his not attending the meetings and either ask for current contact information or a resignation.

7. All Boards/Committees Meeting – September 20, 2022 – 6:00pm – Senior Center. No members are able to attend.
8. Adjourn – Motion by Mr. Bibeau to adjourn at 7:55pm, seconded by Mr. Woodson, unanimous.

Submitted by:
Mary C. Devlin
Executive Assistant

Accepted by:



Frank Lombardi, Chairman

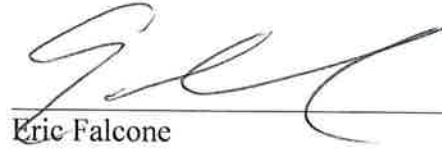
Shane Woodson



Jason Bibeau



Garrett LaFrance



Eric Falcone

Robert McGrath (absent)



Ryan Avery