

NELSON ZONING BOARD OF ADJUSTMENT MINUTES

June 30, 2014

Meeting called to order at 7:00 pm by John Cucchi, ZBA Chair

ZB members present: John C, Dennis D, Bob Jones, Ralph Castor and Bob Lenox

June 2 minutes were approved and signed.

New Business: Bean hearing

Old Business: There was no old business.

After minutes were read and approved there was a discussion of the definition of a footprint as stated in the Nelson Zoning Ordinance. Is the overhang that was already approved at the May 5th hearing now part of the footprint. There were different interpretations from some of the members. John Cucchi and Dennis D. said they saw it as part of the footprint. Bob Lenox stated he never counted the cantilever as part of the footprint but rather the same as a balcony so it was the same footprint but now changing the footprint because backside cantilever part of building was to be supported. He also stated the approved building was never constructed so that was not the starting point for this hearing. It was a brand new hearing and wanted everyone to understand why and agree before moving forward.

At 7:15 PM, the ZBA meeting was closed and John Cucchi opened the Bean hearing and read the overview of how the meeting was to be conducted. Delcie Bean represented Mark and Linda Bean at the hearing. He read a statement from Mark Bean and the new application for variance. Delcie stated that if the building took a 180 degree turn, the cantilever was now being placed in the front and the support in the back which is why they believed nothing was actually changing. Ordinance 10.2.2 was discussed stating a non conforming building can't be made more non conforming. The new structure would be more conforming lakeside and less conforming with the set back from the road. Bob Jones stated the new building would be nicer but was already non conforming and now more non conforming as closer to the road. The cantilever would also have brought the building closer to the road the same distance. All agreed the deck was not the footprint. Dennis D said he thinks where the building is placed on the deck shouldn't matter. Bob Jones wants whatever decision is made to be able to stand up to the scrutiny of anyone who looks at it. John Cucchi brought up O'Meara built his garage right up to the road while others were forced to move bushes that were planted a few feet short of the road setbacks. There were no abutters present and Delcie Bean had nothing to add so hearing was closed at 7:47PM and meeting was reopened. The 5 criteria were discussed one at a time.

1. Contrary to public interest- all agreed no.
2. Making non conforming more non conforming-

the structure was already going to be there with the approved cantilever. 3. Allows land owner to use property in a reasonable fashion. All agreed yes. 4. Negative impact on abutters or property values. All agreed no. 5. Makes structure properly supported. Owner hardship met. Bob Lenox made motion to accept building as presented with condition for no permanent holding tank and only portable water storage be used. John Cucchi seconded and all agreed. Delcie Bean made amendments to blueprint and signed. Bob Lenox made motion to pass application with condition. John Cucchi seconded and all agreed. There was a discussion as to whether footprint definition needs to be made clearer.

John C made motion not to meet until September. Bob Jones seconded and all agreed unless something came up.

Dennis D moved to end the meeting, Bob Jones seconded

The meeting was adjourned at 8:20 PM

Respectfully submitted

Karen Castelli
Zoning Board Clerk

Date signed:

John Cucchi,Chairman_____

Dennis Dellagrecca_____

Jason Walter_____

Ralph Castor_____

Bob Lenox_____

Bob Jones_____