

MINUTES

Zoning Board of Appeals Decision Meeting – January 30, 2020
115 Pleasant Street, Room 103
Gardner, MA 01440

Sitting in on Hearing:

Michael Gerry
Randall Heglin
Melory Cornett

In Attendance:

Sign-In Sheet attached

Meeting Called To Order by Acting-Chairman Randall Heglin at 6:00 p.m. in the City Hall Annex Meeting Room 103, 115 Pleasant St, Gardner, MA. Mr. Heglin then went over the ground rules and the requirements that must be addressed for a variance or special permit. He then noted that the meeting was audio taped, and requested if anyone objected. There were no objections.

<u>Case No.</u>	<u>Case Type</u>	<u>Case Description</u>
2019-12-01	Variance	163 Fernwood Dr – Charles LaHaye - Construct garage with in-law apartment

Case # 2019-12-01: Charles LaHaye's application to construct a garage with an in-law apartment at 163 Fernwood Dr. Gardner, MA Parcel ID #H37-15-4 , located in the Rural Residential two zoning district (RR2) is denied as it does not comply with the Dimensional Requirements for Cluster Development in RR2 of City Code of Gardner. The zoning code states that a minimum side setback is 15 feet; the plans only allow for 8.5 feet.

Mr. Heglin opened the meeting with clarification that this was a decision meeting and no questions or requests could be heard from the floor. The Case was reviewed from the initial application through to present. It was noted that the decision on this case must be unanimous.

Mr. Heglin made a motion to begin discussion, seconded by both Mr. Gerry and Mr. Cornett.

Mr. Gerry began with voicing his concerns for the garage being built as an accessory building. Stating that the free standing structure would have more of an impact on the neighbor's than the plan to build attached to the current property. Mr. Gerry understands both sides of this case and it would not be an easy decision.

Mr. Cornett agreed with Mr. Gerry then added that his concern was the fact that there were many other ways to build should Mr. LaHaye consider a change in size or location. On the property walk through on Dec 21, 2019 Mr. Cornett noted multiple solutions to this case, all of which would have no need for a variance. One option being to build a free standing garage and connect to the house with an open breezeway. Mr. LaHaye's unwillingness to compromise in any way is a cause of frustration.

Mr. Heglin asked if the actual construction of garage would cause hardship to the neighbor's as he feels that construction materials would need to be bought through by way of abutter's property. He stated that when the case first opened he believed this would be a simple decision, Mr. Heglin agreed with Mr. Gerry in regards to understanding both Mr. LaHaye's wishes to build and the abutters concerns on structure size. Mr. Heglin reiterated Atty Phillips statement from the previous meeting that Mr. LaHaye could in fact build the structure free standing as an Accessory building without the need for a variance or abutters approval. Mr. Heglin made it clear that should Mr. LaHaye opt to build as an accessory building it would have a larger impact on the neighbors then the planned attached.

Mr. Heglin voiced his disappointment that no compromise could be found between Mr. LaHaye and neighbors. Mr. LaHaye's insistence on the garage being 24ft wide along with the need for it to be attached to current property, without compromise has become a subject of disdain for all involved. Mr. Heglin even petitioned Atty Phillips to talk to abutters, with hopes they would consider withdrawing their complaints. The abutters denied and we have found ourselves at an impasse.

Mr. Heglin asked if there was any more to be discussed.

Mr. Heglin made a motion to move om to decision. Seconded by Mr. Cornett and Mr. Gerry.

Mr. Heglin re read the case 2019-12-01 initial request and denial letter then moved to vote.

Mr. Gerry and Mr. Heglin Voted in favor, Mr. Cornett denied.

Under zoning code of a requiring a unanimous vote the case was Denied.

No further business coming before the board, a motion was made, seconded and voted to adjourn.

ADJORNMENT OF MEETING @ 6.13PM



Randall Heglin, Acting-Chair



Michael Gerry, Clerk



Melory Cornett, Member