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ROCKLAND ZONING BOARD OF APPEALS
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Town Clerk's Date Stamp:

TOWN CLERK, ROCKLAND
NOV 15 '21 AM 11:52

FINDINGS AND DECISION OF THE ZONING BOARD OF APPEALS

Decision: Variance

Applicant: Charles Picard

Property Address: 34 Thayer Terrace, Rockland, Massachusetts 02370

The Rockland Zoning Board of Appeals has considered the application of Charles Picard with regards to the property located at: 34 Thayer Terrace, Rockland MA 02370 for a variance and/or special permits pursuant to §§415-22, 415.89, and or 415-89.1 to allow a 8' x 22' garage addition at the premises known as and numbered 34 Thayer Terrace, Rockland MA 02370. The Property is located in the R-1 Residence Zoning District, §§415-8 of the ByLaw and is further identified as lot 55-61 on the Rockland Assessors Maps. The owners of the property are Charles Picard & Frances Picard, 34 Thayer Terrace, Rockland MA 02370.

The Board certifies that it has complied with all statutory requirements relative to notice to abutters and new publication of notice of the public hearing and has filed copies of this decision and all plans referred to herein with the Town Clerk, Planning Board, and the Building Department pursuant to Mass. Gen. L. c. 40A, Section 11.

Advertised: October 19th, 2021 and October 26th, 2021 in the Patriot Ledger.

The Board lastly has taken into consideration testimony of the applicant, the application materials, plans and revised plans, and communications from various Town boards, abutters, and with interested parties.

A Public Hearing was held via remote at 7:45 P.M. on November 3rd, 2021.

ATTENDANCE:

Board Members: Robert Rosa, Gregory Tansey, Timothy Haynes, Robert Baker, Jr., Stephen Galley, (alt)

Also present: Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

(All Board members were participating remotely)

MEMBERS VOTING: Chairman Robert Rosa, Gregory Tansey, Tim Haynes, Robert Baker, Jr., Stephen Galley

DISCUSSION ON NOVEMBER 3rd, 2021

The Chairman of the Zoning Board introduces the members of the board advising to the public that all are participating remotely.

The Chairman asks the members of the ZBA for roll call vote to open the public meeting. The ZBA members take a roll call vote:

Robert Rosa – Yes, Greg Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Jr – Yes, Stephen Galley – Yes. The vote is unanimous, and the public meeting has been opened.

The Chairman read the advertised notice in the Patriot Ledger with a Public Hearing Date of November 3rd, 2021.

The Applicant testified what he is trying to do is expand his garage so that he can open his car door.

The Chairman opens discussion to the members of the board:

Robert Baker, Jr states that he has no further questions for the applicant currently.

Timothy Haynes asks the Chairman if the required set back is 15ft. The Chairman confirms yes 15ft, and that the current house is at 15.68ft so currently he is over 15ft. Timothy Haynes asked the applicant if they are planning to change the driveway at all as well.

The Applicant testified that they do not plan to change the driveway at all it will remain the same.

Timothy Haynes has no issues and no further questions on it.

Stephen Galley asked the Chairman to review with him the dimensions as he wanted to double check what he has currently and what is being proposed. The Chairman pulled up a copy of the plans and shared with all attending via zoom. The Chairman stated the Applicant currently has 15.68ft which is 15ft 8 inches, and the proposed 8.76ft which is 8ft 9inches in the front that is the closest.

Stephen Galley states he doesn't have any further questions just was looking for the clarification that the Chairman just provided.

Greg Tansey – He stated he has seen the plan; Applicant is already over the 15ft and has too much frontage to get a reduction to the side yard. Greg Tansey asked the applicant how wide the existing garage at the moment.

The Applicant testified the existing width of the garage currently is 12ft wide by 22ft long

Greg Tansey asked the applicant if they are trying to get a two-car garage or what he is trying to accomplish as he stated typically 12ft wide garage is standard size.

The Applicant testified that he can not open the door to his truck if he pulls it in the garage which is why he is trying to widen it.

The Chairman stated to the Applicant that he see's he is right on the waterline for Studley's Pond and there is a reason that his home was built where it is because they went as close as they could to the property like due to the pond. The Chairman stated he also did some measurements and asked the Applicant if he has contacted the conservation commission, as what he is propose on the plans is technically within 100ft of a conservation commission issue.

Timothy Haynes interjects, stated that this home is similar to one they had to deal with before where the lot is weirdly shaped with a waterfront lot and that he would rather see the garage extend on that side then go any further to the water. Timothy Haynes stated that he doesn't feel they should not have greater enjoyment of their home with regards to what calculates up to less than 7ft.

The Chairman asks Tom Ruble if he has any issues or questions for the Applicant.

Tom Ruble stated he does not have any issues other than having Doug Gillemi look at it.

The Chairman asked Attorney Galvin if he has any questions or opinions.

Attorney Galvin opined that he feels the board members could also use the Trapezoidal shaped lot as a reasoning for distinguishing it.

The Applicant testified to the members of the board an additional reason he is looking for the expansion on the garage is during the bad weather, currently he can not open both doors when truck is in the garage.

The Applicant testified that if he can just add on 8ft that will allow him to pull the truck into the garage during the bad weather and allowing him to open the doors to the vehicle.

The Applicant testified that he would like the 8ft extension, but he is willing to drop it down to a 6ft extension if the members of the board are ok with it.

The Chairman opens it back up to the members of the board if they have any further questions.
No further questions

The Chairman opens it back up to the members of the public, asking if any of the attendees would like to speak either in favor or opposed to this applicant.

No one spoke in favor or opposed on behalf of the applicant.

Timothy Haynes read into record a letter the board received from Deb Wiley of 26 Thayer Terrace, speaking in favor of the applicant.

The Chairman asked the members of the board for a motion to close the public portion of the meeting.

Robert Baker, Jr made a motion to close the public portion of the meeting.
Greg Tansey seconded the motion.

The ZBA members take a roll call vote:

Robert Rosa – Yes, Greg Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Jr – Yes, Stephen Galley – Yes. The vote is unanimous, and the public meeting has been closed.

The Chairman reads to the application the appeal process and states a decision will be made at tonight's hearing, and that they are welcome to stay and await the result.

DECISION ON VARIANCE:

Upon a motion duly made Greg Tansey and seconded by Stephen Galley in a roll call vote the Board voted unanimously (5-0) to GRANT, via roll call vote, with members, Robert Rosa, Greg Tansey, Tim Haynes, Robert Baker Jr., Stephen Galley in favor, a dimensional variance to allow the Applicant to construct a 6ft x 22ft garage addition subject to conditions.

CONDITIONS:

- 1) The size of the addition will be 6ft x 22ft
- 2) To be compliant with any applicable requirements by the Conservation Commission
- 3) Foundation As Built Plan to be turned in and approved by the Building Commissioner prior to foundation inspection

FINDINGS:

Upon a motion duly made by Greg Tansey and seconded by Stephen Galley in a roll call vote the Board further voted unanimously (5-0), by roll call vote, to find that:

- (1) there are conditions that are unique to the applicant's lot, and do not necessarily apply to the neighboring lands, in the same district.
- (2) that strict application of the provisions of this bylaw would deprive the applicant of reasonable use of the lot since the proposed additions were supported by neighbors and did not detract from the neighborhood,
- (3) the unique conditions are not the result of actions of the applicant taken after the adoption of this bylaw.
- (4) the zoning relief will not cause substantial detriment to the public good or impair the purposes and intent of this bylaw since the proposed use, as conditioned, represents a reasonable use of the site, and

(5) the variance, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the district.

REASON FOR DECISION:

The Board found that topographical conditions as well the trapezoidal shape of this lot created dimensional hardships that were not caused by the current owners. The proposed addition is modest in size and is not opposed by anyone and constituted a reasonable use of the land and made the home more livable and useful.

NOTE:

- ❖ This decision may be appealed to the District Court, Housing Court, Land Court or Superior Court pursuant to Chapter 40A, Section 17. Said appeal must be filed within twenty (20) days after this decision is filed with the Town Clerk.
- ❖ Chapter 40A, Section 11, states that in part, that no variance or Special Permit shall take effect until the Town Clerk certifies that twenty (20) days have elapsed, and no appeal has been filed.
- ❖ This Board certifies that copies of this decision have been filed with the Planning Board as well as with the Town Clerk.

FOR THE ZONING BOARD OF APPEALS



Robert C. Rosa III

Chairman