



## **CHESTERFIELD ZONING BOARD OF ADJUSTMENT**

**THURSDAY, AUGUST 12, 2021 AT**

**6:30 P.M. PUBLIC HEARINGS**

**BEGIN: 6:45P.M. at the Town Offices**  
**in the Jon McKeon Meeting room**

### **MINUTES**

Chairwoman Kristin McKeon called the meeting to order at 6:38PM. Also in attendance were Joe Brodbine, Lucky Evans, Gary Winn, John Zannotti through Zoom, and Jim Barey.

McKeon seated Brodbine as a full member for this meeting.

*Lucky Evans moved to allow John Zannotti to join remotely. The motion was seconded by Kristin McKeon.*

*Discussion: Brodbine asked Zannotti why he could not attend in person. Zannotti responded that he was out of the area for personal reasons.*

*The motion passed unanimously.*

#### **Acceptance of Minutes-07/08/2021**

*Joe Brodbine moved to accept the 07/08/2021 meeting minutes as amended. The motion was seconded by Lucky Evans and passed unanimously by roll call vote.*

#### **Continuations**

McKeon explained the rules of procedure when there is less than a full board. Michael Bernbach stated he was comfortable with being heard by less than a full board.

**Bernbach**-McKeon opened the continued hearing, explaining the colors exhibited on the Fieldstone ZBA Variance Exhibit Plan signed and dated. McKeon noted that the numbers for the merged versus unmerged lots had been submitted by Chris Guida. Brodbine stated the numbers look self-explanatory and he does not have further questions. Zannotti asked if the lots had been merged by the Planning Board. Brodbine stated it has not yet but that should be a condition of

approval.

Zannotti asked if the newest documents had been signed and dated. McKeon confirmed they had. Zannotti asked about Lot B032 having access rights over B031, and whether B030 would be blocked. McKeon responded it has a Right of Way around the garage. Zannotti suggested including that in their notes. MBernbach stated the driveway going down the side of the house is not changing at all, and it skirts around the garage. Brodbine noted that if the lots were merged the Right of Way would not disappear.

Brodbine stated he is not seeing any negatives in this situation. McKeon stated her concern was for the house across the street, but that question was answered and clarified at the last meeting. Zannotti noted that as long as the document showing size and dimensions signed and dated is submitted, he is happy. Evans noted he has no complaints, and all work would make these lots more conforming.

McKeon asked the Bernbach's about the pavement next to the garage and if that was part of the Right of Way. Joan Bernbach noted that it is only paved for a foot and half after the garage and there is no intent to pave anything further.

*Joe Brodbine moved to close the public portion of the hearing. The motion was seconded by Lucky Evans and passed unanimously.*

McKeon stated if the lots are merged, it makes the building much more conforming, referencing the dated drawing 03/16/2021 as revised on 07/21/2021.

Kristin noted that other applicants' basements are appearing on plans, and the board should mention it in the motion.

*Joe Brodbine moved to grant the variance for the Bernbach property that the addition is done in accordance with the plan dated 03/16/2021 as revised on 07/2/2021 with the condition that the lots 31 and 32 be merged into one lot, and there will be no additional cellar or basement added. The motion was seconded by Lucky Evans.*

*Discussion: McKeon asked about referencing the revisions on ZBA Variance Exhibit Plan.*

*Joe Brodbine moved to amend the motion to add the reference to revision C 07/09/2021 on the ZBA Variance Exhibit Plan. The motion was seconded by Kristin McKeon.*

*Discussion: Evans noted these plans are far more conforming and are beneficial to the lake. The Amendment passed unanimously.*

*The motion in its entirety now reads, Joe Brodbine moved to grant the variance for the Bernbach property on the conditions that the addition is done in accordance with the plan dated 03/16/2021 as revised on 07/21/2021, referencing Revision C on the ZBA Variance Exhibit Plan dated 07/09/2021, and that there will be no additional cellar or basement added. The motion passed unanimously.*

## **Applications**

**Gold & Frederick**-McKeon noted these buildings are not to be used for rentals but as seasonal guest houses.

Gold presented the details on the application: to raise the peak of the roof by 4 feet and 2 inches, not requesting a variance to increase size of footprint, just to raise the peak of the roof. Gold noted the property is formally known as Brookhaven and zoned to residential property. Each is approximately 400 square feet and situated on cinderblocks on top of the soil. Gold stated that none of the cabins affect any other abutting property's views of the lake, and they are seasonal use only.

Frederick stated the variance is to raise the roof, the reason it needs to be raised that it is a good deal lower than the cabins around it. Frederick noted that the pitch is not in conformance with current code, and it has sunk due to inclement weather, and this will hopefully improve the aesthetics of the property; the general character will be improved overall. Frederick continued, noting that this will stabilize the roof; the building will be insulated, and it will allow ceiling fans and ventilation for guests. Frederick stated that it will be difficult to renovate the cabin if the roof is not raised.

McKeon asked what the height of the first and third cabins at the peak. Gold stated the third cabin sits on land higher up than the second and so on; the height of the cabin to the left in the pic is 15.5 to 16 feet and the one on the right is slightly shorter. Gold continued, stating that the current height on the cabin in question is 14 feet 2 inches. McKeon noted if the roof was raised it would be taller than the other two and eventually the roof will be 18 feet 4 inches when completed.

Brodline asked how much higher the ground under Cabin 3 is. Gold approximated 2.5 to 3 feet. Gold noted that there will be a shed dormer to match the house added. McKeon stated there would be added floor space if the loft was added. Gold noted the home has no attic and no basement and they will need storage space for outdoor furniture.

Evans noted it would be in keeping with the character of the ideal cabin.

McKeon asked if the other two cabins have the double windows in front as well. Gold confirmed they did.

McKeon asked if the loft would be used as storage; Gold confirmed there would and there will be a set of circular stairs leading up to the storage.

Zannotti stated the presentations of data in the calculation were nicely done.

Zannotti asked if there was a representative of the abutting property; Gary Winn is present and can speak for Wares Grove. Zannotti noted that what is being requested is a roofline, but not the dormer and suggested including the condition that the dormer should be left out. Frederick responded that their understanding is because it is a non-conforming use, if they expand up or out, they need a variance but if a decorative dormer is added there would be no need to show that. Evans noted that the applicants needed to calculate volume and cubic feet as well. McKeon stated she was also surprised to see a dormer added. Gold and Frederick noted that the dormer is to the front of the house and the loft is to the rear.

McKeon noted that no matter the name, a second floor is shown; noting that as soon as a variance is granted it stays with the building and she does not want to “create a monster.”

The board discussed the pitch of the roof, clarifying that it will be a 4:12 and a 10:12. Brodbine noted that would be preferable to a 3:12. McKeon noted that should the board go to make any decisions they should have actual and adequate numbers.

Brodbine asked if the walls were being heightened as well before completing the roof, noting that the original variance is not asking for everything being proposed. McKeon agreed and noted it would be helpful to have the written numbers clearer. Brodbine stated he would like the application to more clearly state what the variance is for. Zannotti agreed, suggesting changing the verbiage on the application to more accurately reflect what is being asked. McKeon suggested that since the application had the generalized statement to renovate, if the applicants added specifically what they would be doing would the board be amenable to continuing. Gold clarified that the board is looking for the application to be revised around the specific details of the renovation.

Winn stated (as a member of the public), the biggest issue with a loft is once the stairs are put in it strikes him as a possible residential area that should be addressed as part of the updated information.

*Kristin McKeon moved to continue the Gold/Frederick hearing to the next scheduled meeting on September 9<sup>th</sup>, 2021 at 6:45PM. The motion was seconded by Joe Brodbine.*

*Discussion: Zannotti asked who to send the applicants to for confirmation that everything is being done to code. McKeon responded that since the plan was signed and sealed by a licensed architect, the applicants should be confident that their plans were up to code.*

*The motion passed unanimously.*

### **Other Business**

McKeon opened discussion on the re-hearing on West East Westmoreland; being sent back down and the court approved the committee for re-hearing. McKeon noted that John Ratigan will be working with those board members as they go through the process.

Zannotti asked if there were another way to get the abutter notices to more closely represent what is being proposed. McKeon noted that Barey should double check any “see attached” and verify that everything is the same.

Evans stated that sometime soon he will be retiring from the Zoning Board.

### **Adjourn**

*Lucky Evans moved to adjourn the meeting at 9:04PM. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.*

Respectfully submitted,

Jim Barey

Secretary to the Zoning Board of Adjustment

Approved by:



Kristin McKeon, Chairperson

9/14/2021  
Date