

Town of Temple
Zoning Board of Adjustment
October 15, 2020 Public Hearing

Applicants: Denise and Murray Collette

ZBA Members present: John Kieley, Bill Ezell, Deb Deleso, Gail Cromwell and Greg Robidoux.

Kieley called the meeting to order at 5:30 and notified the attendees that the hearing was being held electronically pursuant to Executive Order 2020-04, Section 8, Emergency Order #12, Section 3.

Bill Ezell was introduced as Zoom manager; Kieley as notetaker.

Kieley briefly summarized the Collette case for a variance under Article IV Section 5 and mentioned that the separate Reed case had been withdrawn. Kieley confirmed that the newspaper advertisement had been placed, abutters notified by certified letter, postings placed on Town bulletin boards and website and fees paid. Kieley reported that the Board had not received any letters from residents either pro or con.

Kieley asked that members present indicate whether they had any reason to recuse themselves from the Collette case. All present indicated in the negative. Kieley confirmed that the voting members would be Kieley, Ezell, Deleso, Cromwell and Robidoux.

Kieley described the hearing process and invited Murray Collette to present his case.

Murray went through an aerial photograph and schematics to demonstrate his need to infringe into the setback from West Road. He described how the project would reduce the visual impact of his property from West Road, how his two wells limit his options and how the only other option for a garage would also require a variance and have more impact on neighbors. He spoke about similar historic properties in Temple and how consistent his property would be. Collette went through the five criteria required for a Variance all of which is documented in his application.

He confirmed that his house is 19' from West Road and that two historic structures that have been removed both infringed on the setback. While there is no way to be sure, it was felt that the old infringement area was roughly the same size as that now proposed.

Kieley asked if any one else wanted to speak in favor of the application. No one spoke up.

Kieley asked if any one wanted to speak in opposition to the application. No one spoke up.

Kieley closed the public comment section of the hearing and moved into Board deliberation. Kieley explained that the Board would discuss each of the five conditions, vote on them individually and then vote on the overall decision.

1. No diminishment in the value of surrounding properties

Board comments:

- End product typical of other historic properties in Temple
- Not uncharacteristic
- Would shield view of vehicles in driveway; would look better from West Rd
- Little to no net infringement when structures that were removed are factored in
- An improvement; old structures were falling down

Motion by Kieley, second by Cromwell that Board find that condition #1 met.

Unanimously approved.

2. Granting the permit would be in the public interest

Board comments:

- Improve view from West Road
- Avoid adding on to front of house thus diminishing historic value
- Avoid diminishing view of Hadley Highway which would result if garage on east line

Motion by Kieley, second by Cromwell that Board find that condition #2 met.

Unanimously approved.

3. Denying the permit would result in unnecessary hardship

Board comments:

- Wells prevent shifting the structure further away from West Road
- If moved addition to the front of house would diminish historic value

Motion by Kieley, second by Ezell that Board find that condition #3 met.

Unanimously approved

4. By granting the permit substantial justice would be done

Board comments:

- The existing house encroaches further into setback than proposed addition
- Proposal is least impactful on neighbors
- Encroachment is offset by reduced viability of vehicles from West Road
- Encroachment thought to be about the same as old structures

Motion by Kieley, second by Robidoux that Board find that condition #4 met.

Unanimously approved

5. The use must not be contrary to the spirit of the ordinance

Board comments:

- Property with proposed addition would be consistent with other historic homes in Temple so in keeping with purpose of ordinance

Motion by Kieley, second by Deleso that Board find that condition #1 met.

Unanimously approved

Decision:

Motion by Kieley, second by Ezell to approve the application for a Variance and to prepare a Notice of Decision so stating. Unanimously approved.

Kieley confirmed that the Notice would be drafted and distributed prior to the Board's meeting on October 20. When approved, the Notice would be sent to the applicant who could then apply to the Select Board for a building permit.

Minutes from prior hearings:

The Board discussed the minutes from the September 15, 2020 hearing on the Bens case. Modifications were made. Motion by Kieley, second by Deleso to accept the minutes as amended. Unanimously approved.

The Board next discussed the minutes from the September 29, 2020 hearing on the Bens case. Modifications were made. Motion by Kieley, second by Cromwell to accept the minutes as amended. Unanimously approved.

Kieley briefly discussed the Reed case. It was agreed that Kieley would recuse himself from the case in order to be able to assist the applicant with the filing process. Deb will chair that hearing which should be within the next six weeks.

Motion by Cromwell, second by Deleso to adjourn at 6:40. Unanimously approved.