

Dear ZBA,

After attending and watching many ZBA (and Planning Board (PB)) meetings over the years, what concerns me is that a lot of what applicants state seems to be irrelevant or hearsay and never backed up with anything factual. This happened recently at a PB meeting with applicants making so-and-so said statements. The PB has asked for the actual documentation before making their decision.

Here are some examples from the 10 W hearing:

1) Let's say we follow the mentioned argument for 10 Waushakum to allow the zoning to be overturned because the applicants are a "nice" family.

What does "nice" mean and how is it defined and why would that matter? To be honest, there is no guarantee the nice family -- whatever that means -- will even live there. People can build a house and sell it by right whenever they please.

And does that imply a "not nice" family should not get the zoning overturned?

Those arguments are irrelevant in pre-existing, non conforming cases. Is or isn't the proposed structure making the lot more nonconforming and is or isn't the proposed structure more detrimental to the neighborhood.

2)

Our zoning laws say

3.3.7: ...

*Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, shall be only as great in volume or area as the original nonconforming structure.*

*In the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure or (b) exceed applicable requirements for yards, setback, and/or height or (c) cause the structure to be located other than on the original footprint, a special permit shall be required from the board of appeals...*

An argument was made that bigger homes are better for the town. Again, who says big is better? And how do we define better? Maybe there are people in town who would like to stay here by living in a smaller home they can afford.

3)

*Setbacks: The distance between a front, rear, or side lot line and the line of a building or projection thereof, measured on a line perpendicular to the lot line.*

As I recall, it was said at the last hearing that the building commissioner said rear stairs are not projections. It doesn't seem to say that anywhere in the zoning code, so the commissioner needs to attend the next zba meeting and explain if he said it, why he said it, and where it says it.

4)

What Town Hall prefers is not pertinent. Staff need to be neutral and serve all sides of the issue. That is the role of public servants. If they start picking sides, they can no longer effectively serve the public nor enforce the zoning.

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Thank you for serving on the ZBA.

Julie Nardone  
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