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TOWN OF WESTMINSTER



**TOWN OF WESTMINSTER
ZONING BOARD OF APPEALS
11 SOUTH STREET
WESTMINSTER, MA 01473**

Meeting Minutes
December 20, 2018

Call to Order:

The meeting of the Zoning Board of Appeals was called to order at 7:00 p.m. at Westminister Town Hall, 11 South Street, Westminister, MA by Chairman Aime Denault.

Roll Call:

The following members were present: Chairman Aime Denault, Members Robin Brasili, George Sammet, John Bowen, and recording secretary, Jessica Sutton.

Also present were: Melissa McCarthy, Esq., Attorney for the town from KP Law, Jeffrey A. Aveni, Esq., attorney for the plaintiffs, Eino W. Jarvenpaa, Alice B. Jarvenpaa; Donald Frigoletto, Gregory C. Bessette, Ms. Hawkins, and Dream Witzgall.

Case Number: 18-08, Gregory C. Bessette, 6 Lake Drive West

Applicant's testimony:

Mr. Bessette has a three season camp on Lake Drive West. It is called a three season because it is not heated. The structure was built in 1942, and Mr. Bessette purchased it in 2016. Mr. Bessette would like to dismantle the two story high structure that he deems unlivable and replace it with a "slightly bigger one" that is designed to fit on the same area, with the same set back. It will be five, six feet deeper, and seven feet wider. Mr. Bessette stated he was going to have a foundation in place with a walkout basement. He has yet to purchase the house plans as he is

waiting for the permission to remove an old camp and construct a new one. Mr. Bessette stated that he has been “working on the septic for about a year.” Brian Szoc Septic Design approved the project, and there is going to be a well and septic system. They will be using the Prezi System.

Dream Witzgall, from the Hawkins house,(looking from the street, they are on the right), and Ms. Hawkins were in attendance with concerns about the driveway to the above mentioned structure, that goes down. They asked if the trucks would be with the heavy weight? And mentioned concerns of the integrity of the wall going down to the beach.

Witness for Applicant:

N/A

Those in opposition or speaking with concerns:

Dream Witzgall, from the Hawkins house, (looking from the street, they are on the right), and Ms. Hawkins were in attendance with concerns about the driveway to the above mentioned structure, that goes down. They asked if the trucks would be with the heavy weight? And mentioned concerns of the integrity of the wall going down to the beach.

Discussion:

At 7:12 p.m., John Bowen made a motion to close the hearing. The motion was seconded by Robin Brasili, and approved by a unanimous vote. Following a short discussion, the Westminister Zoning Board of Appeals voted unanimously for a Finding that to remove a pre-existing nonconforming structure and to replace this existing structure with a new single family structure at 6 Lake Drive West will not be substantially more detrimental to the neighborhood.

Motion approved 7:15 p.m.

Case: Remand of the Appeals of Case No.16-15, pending in Worcester Superior Court, Jarvenpaa v. ZBA

Applicant's testimony:

John Bowen stated that this is the first remand, and asked town council, Melissa McCarthy to “explain why we’re here”. She explained that the ZBA originally on 1/27/2017 imposed a cease and desist order on the trash hauling operating system that Mr. Jarvenpaa was operating

with five trash hauling vehicles. The Jarvenpaa's appealed to Worcester Superior Court, getting to the point of the trial. They have come back to the ZBA to ask them to reconsider, or modify their decision instead having to go to trial.

- The Javenpaa's attorney Jeffrey A. Aveni, stated "that case law is pretty clear here, and that we are getting hung up on a number, not the use."
- John wanted to come to some number and keeping it in that character. He is reluctant about it being an open number.
- Mrs. Jones from 222 South Ashburnham Rd, stated that she "didn't mind the trucks, just the times. Sometimes they come out at 3 am or 4 am." Mr. Jones from 222 South Ashburnham Rd, expressed concerns about safety in regards to the trucks holding up traffic, and having cars backed up 15-20 vehicles while the trucks are trying to back into the driveway". Mr. Jones asked if they "could come back at times when traffic is low?", and "why are they trailer trucks and not regular waste management trucks?"
- Don Frigoletto asked "How may vehicles currently fit in the area? Mr. Jarvenpaa stated "depends on the vehicle"
- Mr. Eino Jarvenpaa said that his "hauling trucks would go out, if private contracting busing comes in"
- Attorney Aveni provided the Board with Google Map images over a timeframe.
- Traffic issues depends on what vehicles are parked there. Buses come in and out at the same time. Dump trucks etc. etc. - different times.
- Attorney Aveni said that he was not going to agree on a number
- John stated that "after seeing this area, he would say 14-15 vehicles. Type doesn't matter as it's not going to change the scope of the property
- Attorney McCarthy asked that if the Board is going to provide a number, she would like facts and reasons as to why
- John said there were three options. Option 1. Stay with five and justify. Option 2. Come up with another number that is more palatable. Option 3. Something more subjective and limit what they can do.
- On the Google Maps image an area was marked out and agreed upon as to the area where vehicles could be stored/parked. This would be attached to the decision
- At 8:00 a motion to move to strike out of the decision the number of vehicles. Granted
- The Jones's still have concerns about the traffic and times

Meeting was closed at 8:15pm.

Submitted by,



Robin Brasili