Town of Brookfield
6 Central Street
Brookfield, MA 01506

**ZONING BOARD OF APPEALS**
**MINUTES**
**Monday, June 6, 2011**

**Present:** Nicholas Thomo, Chairman
David Olson
Charles Wilson
David Holm
Carrie Worthington, Clerk

**Absent:** Michelle Guntor

**Guests:** Marguerite Ericson
Matthew Custer

Mr. Nicholas Thomo is conducting two (2) Public Hearings tonight.

Mr. Thomo opened the first Public Hearing at 6:35 p.m.
The applicant: Marguerite Ericson, 115 Town Farm Road, Brookfield, Ma.

The purpose for the Public Hearing is to consider a request from Marguerite Ericson, to install/build an above ground swimming pool. This requires a variance per Section 7) Dimensional Regulations, Subsection C) Dimensional Regulation Table (et al) at her residence 115 Town Farm Road. The property is located in the Rural Residential District.

The applicant addressed the members of the Zoning Board of Appeals. Mrs. Ericson intends to install a 21' (foot) round, above ground pool off an existing deck from her home. She is 23' (feet) from left boundary line of property. Mrs. Ericson's driveway is 600' (feet) from road. Her tentative date to begin pool installation is July 10, 2011.

Mr. Thomo asked if anyone had any questions, comments, or concerns. There were no abutters.

Mr. Thomo closed the Public Hearing at 6:39 p.m.

Mr. Charles Wilson made a motion to approve a variance to Mrs. Ericson for installation of a 21' (foot) round above ground pool, 23' (feet) from left boundary line at her residence 115 Town Farm Road. Mr. David Holm 2nd the motion. Nicholas Thomo; David Olson; Charles Wilson; and David Holm voted in favor.

Mrs. Ericson was informed by the ZBA there is a 20 day waiting period after the date of the ZBA's decision and Town Seal before project can begin.

Mr. Thomo opened the second Public Hearing at 6:42 p.m.
The applicant: Matthew Custer, 102 Molasses Hill Road, Brookfield, MA.

The purpose for the Public Hearing is to consider a request from Matthew Custer, to install/build an above ground swimming pool. This requires a variance per Section 7) Dimensional Regulations, Subsection C) Dimensional Regulations Table (et al) at his residence 102 Molasses Hill Road. The property is located in the Rural Residential District.

The applicant addressed the members of the Zoning Board of Appeals. Mr. Custer intends to install a 27' (foot) round, above ground swimming pool next to the septic system. His plans show he is only 4-5' (feet) from left boundary line of property. The left boundary line abutts an access road and then an empty lot.

Mr. Wilson had concerns about the 4-5' (feet) boundary line. After much debate this request could not be approved with such limited space.

It was determined the pool had to be moved due West (closer to the house) so there would be at least 6-8' (feet) from left boundary line. Reviewing photos of property it was agreed upon to move the pool as close to the furthest western stake. The minimum requirement the ZBA was willing to negotiate was 6' (feet) from left boundary line. This would require some excavation of sloped hill. Mr. Custer agreed to abide by the ZBA's decision.

Mr. Custer is presently having Superior Pool from Southbridge, MA conduct installation, although he is open to suggestions.

His tentative date for installation is July 8, 2011.

Mr. Thomo asked if anyone had any questions, comments, or concerns. There were no abutters.

Mr. Thomo closed the Public Hearing at 7:10 p.m.

Mr. Holm made a motion to grant a variance of a minimum 6' (feet) from left boundary line. Mr. Custer's plan has left boundary line as 53.23.22 easterly boundary. Mr Olson 2nd the motion. Nicholas Thomo; Charles Wilson; David Holm; and David Olson voted in favor.

Mr. Custer was informed by the ZBA there is a 20 day waiting period after the date of the ZBA's decision and Town Seal before project can begin.

Respectfully submitted,

*Carrie Worthington*

Carrie Worthington
Administrative Clerk

OFFICE OF THE

# BOARD OF APPEALS

BROOKFIELD, MASSACHUSETTS

**Notice of Public Hearing**

The Brookfield Zoning Board of Appeals will hold a public hearing **Monday, June 6, 2011** at **6:30 p.m**. in the Brookfield Town Hall Banquet Room first floor. The purpose of the hearing is to consider a request from **Matthew Custer,** to install/build an above ground swimming pool at his residence, 102 Molasses Hill Road. This requires a variance per Section 7) Dimensional Regulations, Subsection C) Dimensional Regulation table. The property is located in the Rural Residential District.

**Nicholas M. Thomo-Chairman**
Zoning Board of Appeals

May 21, 2011
May 28, 2011

OFFICE OF THE

# BOARD OF APPEALS

BROOKFIELD, MASSACHUSETTS

**Zoning Board of Appeals Decision**

At a meeting held on Monday, June 6, 2011, The Brookfield Zoning Board of Appeals voted to grant a variance to Matthew Custer, to install a 27 foot above ground swimming pool located less than 25 feet from left boundary on his property located at 102 Molasses Hill Road. The property is located in the Rural Residential District. The vote was 4 – 0 in favor.

| | |
|---|---|
| David E. Olson | YES |
| Charles K. Wilson | YES |
| Nicholas M. Thomo | YES |
| David Holm | YES |

Appeals, if any, shall be made pursuant to section 17 (of General Laws chapter 40A) and shall be filed within 20 days after the date of filing of such notice in the office of the city or town clerk. G.L. C40A Section 9-13.

Ordinance or By-Law Shall provide that Special Permit Shall lapse within 2 years unless substantial use or construction has commenced. (MGL CH 40A Sec.9A)

**Nicholas M. Thomo**
**Chairman**

RECEIVED
JUN - 7 2011
10:30 AM
TOWN CLERK BROOKFIELD, MA.
MICHAEL P. SEERY

**OFFICE OF THE TOWN CLERK**
***Justice of the Peace and Notary Public***
**MICHAEL P. SEERY**
**6 CENTRAL STREET**
**BROOKFIELD, MA 01506**
**508-867-2930 EXT.12**

## CERTIFICATE OF NO APPEAL

**Zoning Board of Appeals Decision**: Variance for Matthew Custer.

At a meeting held on Monday June 6, 2011, The Brookfield Zoning Board of Appeals, voted to grant a variance to Matthew Custer, to install a 27 foot above ground swimming pool located less than 25 feet from the left boundary on his property located at 102 Molasses Hill Road. The property is located in the Rural Residential District. The vote was 4-0 in favor

Petitioner: Matthew Custer, 102 Molasses Hill Road, Brookfield, MA 01506

Owner: Matthew Custer, 102 Molasses Hill Road, Brookfield, MA 01506

Property Location: 102 Molasses Hill Road, Brookfield, MA 01506

Deed Reference: Book: 37748 Page: 344

The undersigned, being the Town Clerk of the Town of Brookfield, hereby certifies that the foregoing decision was filed with the Town Clerk Tuesday, June 7, 2011 and that twenty (20) days have elapsed after filing the decision and that no notice of any action appealing the decision has been filed with the office of the Town Clerk during this twenty (20) day period. The appeal period ended June 28, 2011.

Certified this 28th day of June 2011

A True Copy Attest: Michael P. Seery

OFFICE OF THE

# BOARD OF APPEALS

BROOKFIELD, MASSACHUSETTS

**Zoning Board of Appeals Decision**

At a meeting held on Monday, June 6, 2011, The Brookfield Zoning Board of Appeals voted to grant a variance to Marguerite Ericson, to install a 21 foot above ground swimming pool located 23 feet from left boundary on her property located at 115 Town Farm Road. The property is located in the Rural Residential District. The vote was 4 – 0 in favor.

| | |
|---|---|
| David E. Olson | YES |
| Charles K. Wilson | YES |
| Nicholas M. Thomo | YES |
| David Holm | YES |

Appeals, if any, shall be made pursuant to section 17 (of General Laws chapter 40A) and shall be filed within 20 days after the date of filing of such notice in the office of the city or town clerk. G.L. C40A Section 9-13.

Ordinance or By-Law Shall provide that Special Permit Shall lapse within 2 years unless substantial use or construction has commenced. (MGL CH 40A Sec.9A)

**Nicholas M. Thomo**
**Chairman**

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## CERTIFICATE OF NO APPEAL

**Zoning Board of Appeals Decision**: Variance for Marguerite Ericson.

At a meeting held on Monday June 6, 2011, The Brookfield Zoning Board of Appeals, voted to grant a variance to Marguerite Ericson, to install a 21 foot above ground swimming pool located 23 feet from the left boundary on her property located at 115 Town Farm Road. The property is located in the Rural Residential District. The vote was 4-0 in favor

Petitioner: Marguerite Ericson, 115 Town Farm Road, Brookfield, MA 01506

Owner: Marguerite Ericson, 115 Town Farm Road, Brookfield, MA 01506

Property Location: 115 Town Farm Road, Brookfield, MA 01506

Deed Reference: Book: 10534 Page: 88

The undersigned, being the Town Clerk of the Town of Brookfield, hereby certifies that the foregoing decision was filed with the Town Clerk Tuesday, June 7, 2011 and that twenty (20) days have elapsed after filing the decision and that no notice of any action appealing the decision has been filed with the office of the Town Clerk during this twenty (20) day period. The appeal period ended June 28, 2011.

Certified this 28th day of June 2011

A True Copy Attest: Michael P. Seery