

Meeting Minutes, Zoning Board of Appeals  
Town of Whately, MA  
September 1, 2022  
Remote Meeting via Zoom

Members Present: Roger Lipton, Bob Smith, Debra Carney, Kristin Vevon, Fred Orloski  
Members Absent: none

Guests Attending:  
Donald Wheelock  
Julie Sibley  
Lynn Sibley  
Stan & Chad Adams

At 6:40 Roger opened the meeting.  
The secretary read the legal notice.

Re: Old ZBA mail

Lynn said most ZBA mail may be duplicated by copies sent to the Town Clerk. Bob will take all the old ZBA mail he just picked up to the Town Clerk's office, for de-duplication before eventual evaluation and disposition.

**Public Hearing:**  
**Special Permit Application for creation of a flag lot from an existing lot at 113 North St.**

Lynn Sibley explained that when her current lot was subdivided from a larger lot, the process was handled according to how the bylaws were written at the time. Now, she wants to give 107 North St. (where her father used to live) more acreage. Lynn's leach field is on Julie Sibley's property. There is an easement in place, but they want to make it so that she owns her own leach field. Doing that breaks up the lot, but Chad Adams, who lives next door, would like to acquire the little strip of land behind his house.

Lynn said her plan was developed to get required frontage. The plan would not allow for any additional houses to be built. Lynn explained that she is talking about her father's house (the Lyndon Scott property), which will eventually be her house. The frontage, she said, is on the other side of her father's house, while Julie's access is between Lynn's current house and Chad's.

Lynn screen-shared the plan and discussed it in detail with the board.. Julie Sibley's frontage is the lot at the bottom (to gain the required frontage), and the Planning Board also granted side-lot access to it years ago.

Roger read aloud from the 2021 edition of the Whately Bylaws, (section 171-24.1 on page 40). He explained that flag lots are meant to give relief to people who can't build on their lot because there is too little frontage. Here, he said, you already have a standard lot with a house already built on it.

Debra asked Lynn whether the problem is that in the future Julie may no longer be the owner, and there may be problems involving a different owner. Lynn replied affirmatively, saying she had had a very bad experience previously. Roger and Debra stated that it is hard to get around the obstacles Roger just described, and Bob added that the shrinking of a lot may set precedent.

The secretary needed to leave the meeting briefly so Roger stated that the board would take a ten minute break, during which Lynn located a different plan to share that shows the lots more clearly as they are now, without the proposed changes.

Roger will check with Town Administrator Brian Domina about asking Town Counsel for an opinion on the situation. The ZBA will plan on meeting again about this matter on Thursday, October 6, 2022 at 6:40 pm and will notify the applicant if there is any reason to change this.

### **Approval of Minutes**

#### **Minutes of January 6, February 3, and March 3**

Bob moved to approve the minutes of January 6, February 3, and March 3 as written and amended.

Debra seconded the motion.

Roger abstained because he had not had a chance to read them.

Debra, Bob, Kristin, and Fred each voted yes, and the minutes were approved unanimously.

At 7:43 pm the board voted to adjourn.

#### *Documents Reviewed (kept in the ZBA files)*

Two plans, one showing the subject lots as they would look if the requested flag lot is granted, and the other showing the lots as they are today.

Mary C. McCarthy  
Secretary,  
Zoning Board of Appeals and Planning Board  
Town of Whately, MA