

FINAL

Bridgewater Zoning Board
December 19, 2022 Minutes

Board members present: Chair- Steve Williams, Edwin Boyce, Ronald Linde

Public present: Steve McDermod, Karen Byrne, Patty Davis, Leslie Meau, Edward Meau, Dennis Cashman, Sharon Regal, Karen McGue, Paul Aguiar, Phil LaMarche

Steve called the meeting to order at 7:00 PM. He summarized that the Bridgewater Selectmen had ruled that the increasing number of kayak racks at the Whittemore Shores Condominium Association (WSCA) now constitutes a structure and that the 20' setback requirement must be adhered to. He stated that previously discussions regarding the kayak racks have no bearing on this meeting; it will be looked at individually. He then turned the floor over to Patty who was speaking on behalf of the WSCA.

Patty explained that the WSCA was objecting to the selectmens' ruling. She stated that one kayak rack does not equal a structure to which Steve agreed and added that racks are only considered racks when loaded with boats. Patty went on to say that if one rack does not equal a structure, then a group of racks that stand independently of each other should not either. She explained that the racks are minor installations with no sides, roof, wiring, etc. She stated that if the Board rules the racks are considered a structure, then she would like to request a variance.

Dennis then presented the Board with photos of his property which abuts the WSCA's kayak racks. He shared the history of his property with the Board and the eye sore that the group of 50+ boats are to him and his family. He explained that hemlock trees used to be a visual barrier to the kayak racks but that they were cut down in October by the WSCA. He asked the WSCA why they removed the trees. Patty answered that the WSCA hired someone to remove the bittersweet and poison ivy that was damaging the trees and that their intention was not to have the actual trees removed. Dennis continued that he moved his kayak rack away from the shared property line in good faith and to be neighborly.

Steve suggested that the WSCA replace the visual barrier in some way with shrubs, fencing, or other materials. Patty stated that she was willing to present that to the WSCA Board for discussion.

Discussion was held regarding other possible placements of the racks and both Patty and Dennis presented the Board with photos and reasonings. Steve asked why the racks couldn't be separated like in other associations to which Patty stated the Board wasn't allowed to rule on that. Ron asked what happens as residents purchase more canoes/kayaks/paddle boards- would more racks be created and placed in the same area? Patty answered that the WSCA Board is currently addressing this and considering a process to handle/limit boats much like their moorings.

Discussion was then held about the measurements of each rack and whether or not/how many were in compliance with the setback if they were considered to be a structure. Patty and Dennis disagreed on the measurements.

Steve surveyed the Board about whether or not they felt the group of kayak racks should be considered a structure. Edwin stated that he feels each rack is independent; standing alone with space between them. He suggested rearranging the boats by size so that bigger boats are further from the property line or setback (if considered a structure).

Ron stated he agreed with Edwin: unless all racks are connected, it is not a structure.

Patty stated that she and the WSCA didn't realize how open the area had gotten after the removal of the hemlock trees. She stated she would ask the WSCA Board to consider a fence or hedge on their side of the property line to hide the racks from Dennis's property line of site. Dennis explained that his side of the property line is in the shade and any plants would have to be planted on the WSCA side to get enough sun to grow. Patty replied that Dennis should have to help pay for the new visual barrier. Ron suggested a natural fence that would blend in to the natural landscape, and Steve added a fence would have to be 8' to be tall enough to hide the racks. Patty stated that the WSCA would rather not do a fence because of the maintenance required and that she would talk to an arborist for recommendations.

Steve stated he agreed that each rack is stand alone and fairly separated from each other and therefore does not constitute a structure. Dennis asked what would stop them from putting racks right on the boundary, to which Steve answered nothing but that they should be neighborly. Patty stated that the hemlock removal was an oversight and that it didn't occur to them to talk to Dennis.

Ron asked the room if there was any other input from the public and there was none. Steve stated relief from the selectmens' decision; the racks do not constitute a structure and therefore no variance is needed. The public left the meeting at 8:00 PM.

Ed made a motion to approve the November minutes and Ron seconded. All were in favor.

The meeting was adjourned at 8:01 PM.