

Members Present: S. Woodworth Chittick, Chairman
Benjamin H. Lacy
Charles Higginson
Peter Goedecke
Kathleen A. Hunter, Clerk

Members not present: Susan Kent

Others Present: Jennifer Brennan Oram, Assistant Clerk

Chairman S. Woodworth Chittick called the meeting to order at 7:30PM

Board Business

Minutes – Mr. Benjamin Lacy moved to approve the minutes of December 1, 2009. Mr. Charles Higginson seconded the motion and the vote was unanimous.

HEARINGS

SPECIAL PERMIT – Filed by Can Tiryaki of Tiryaki Designs on behalf of land owners Robert Leggat & Sara D’Eathe. Seeks to relocate the garage away from the lot line and add a second story to the garage at 21 Deep Run. File #09.12.11a.

Chairman Chittick appointed Mr. Lacy as Chairman and recused himself from this hearing and left the room. Architect Can Tiryaki and property owner Sara D’Eathe addressed the Board. Mr. Tiryaki reviewed an aerial image of the area. They are seeking relief to relocate the existing garage away from the lot line and add a second story to the garage. The existing garage is nonconforming at the side setback and the lot area is also nonconforming. Presently the garage sits 8 feet from the sideline; the proposed would be pulled back so that the garage would be moved to 11.3 feet from the sideline. The height of the garage is presently 11 feet 9 inches. They are proposing adding a second story to a height of 17.6 inches, thus increasing the nonconformity. Mr. Tiryaki reviewed the design, stating it was a modest increase. Ms. Kathleen A. Hunter asked if the existing garage has two bays. Mr. Tiryaki stated it does. Mr. Tiryaki stated that his argument under §8.7.2 is that nearly every house on Deep Run has a two car garage with a second story. He feels the proposed complies with what is in the neighborhood today. Mr. Tiryaki then referred to the aerial photo again and reviewed the footprint. The proposed structure will be 415 square feet which is under the 500 square feet required to trigger the Stormwater Bylaw (425 of impervious material, including the driveway) . Mr. Tiryaki handed out a drawing that depicted the volume of mass in the setback. Mr. Goedecke asked if Mr. Tiryaki had made the calculation about how much less volume will be in the setback with the proposed garage v. the existing. Mr. Tiryaki stated that he did and that the proposed would have significantly less massing in the setback than what exists today. Mr. Higginson asked Mr. Tiryaki to speak to the topography and water run off even though they do not trigger the bylaw. Ms. D’Eathe showed that presently the water comes down three gutters and they would install the same gutters on the proposed garage. They are also going to have dry wells at the base of them. She added that she had contacted all of the abutters herself and presented a letter of support to the Board signed by David Wilson of 26 Deep Run, Elizabeth McQuade of 11 Deep Run, Nicole Graziano of 42 Deep Run and Kristyn Stevens of 6 Deep Run. An additional letter was filed with the Board stating who the applicants had contacted and had “expressed” approval, the letter also outlines who they did not hear back from (both to file).

Chairman Lacy opened the discussion to the audience. Ms. Beverly McAllister and Mr. Allan Koswich of 25 Deep Run addressed the Board. These abutters also filed a letter with the Board on January 4, 2010 (letter to file). Ms. McAllister stated to the Board that they are very concerned that the addition will worsen an already existing water problem. She stated it started when the septic was installed. Mr. Lacy asked why she felt the water issue will be worsened by the addition. She feels that the increase in the size of the roof will cause more water run off. Ms. McAllister also feels there is a pump in the house as there is a constant stream of water that runs down the driveway and pools at the end and on the street. She stated that Bob Egan, the Building Inspector, sent letters addressing a possible pump to the applicant. Mr. Lacy then asked Mr. Egan to address the issue of a pump. Mr. Egan stated that he thought there was a pump due to the amount of runoff and sent letters addressing this. However, after he walked through the house with the owners and the builder, he did not see any pumps and he feels that the run off is natural. Ms. D'Eathe added that the septic was installed by the previous owners and that they will soon be hooking up to sewer. Iaria Brothers has also looked at her property and stated that their property is set up higher than their abutters, so water run off is natural.

Attorney Peter Eley, representing abutters Richard and Cathy Sears of 17 Deep Run, along with John Cheseby of Cheseby Engineering addressed the Board. He stated that the Zoning Board, as the SPGA, has a very important decision to make as the neighborhood is extremely complicated. He feels the Board should focus on §8.7 and see if such a project will prove to be injurious to the neighborhood. Attorney Eley then extensively reviewed several documents addressing flooding and water problems in the neighborhood, including photos. He also reviewed Board of Health documents regarding the installation of the septic system. He stated that presently the BOH does not have an as built of the system. (all documents to file). He then reviewed the issues with run off and water which he feels to be caused by the installed septic. He then submitted the letters to the applicants from Building Commissioner Bob Egan. Mr. Higginson asked Attorney Eley to explain what these issues have to do with the application before the Board. Attorney Eley stated that the Town has some responsibility when a septic system is installed. He added the Board should address the many concerns of the neighbors. Attorney Eley stated that the engineering plans submitted by the applicant are incorrect. Mr. Cheseby stated that the scale does not match up. Mr. Goedecke stated that a survey of the property would be helpful. Attorney Eley stated that he did not feel the Board could determine the proposed project would be detrimental to the neighborhood without the proper engineering.

Ms. D'Ethe stated that she and her husband have tried to address the water issues with the neighbors and have suggested a French drain. She reiterated that they did not install the septic system. She and Mr. Tiryaki agreed to file a survey, topography information, as well as information regarding pervious and impervious surfaces and any further information they feel will help the Board. **Mr. Lacy moved to continue the hearing. Mr. Higginson seconded the motion and the vote was unanimous.**

SPECIAL PERMIT – Filed by Architect Steven J. Meyers, on behalf of land owner Paul Tedeschi. Seeks to demolish and reconstruct a single family home at 21 Sheldon Road. File #09.12.11b.

Chairman Chittick opened the hearing and stated that this project will be going before the Planning Board on January 20, 2010 for a Large Home Review. He stated in many cases, after such a review, there are modifications in the plans, so it may be premature for the Zoning Board to grant any relief. Architect Steven J. Meyers and property owner, Paul Tedeschi, addressed the Board. Mr. Meyers stated that they understood that it may be too early to receive any relief. He then reviewed the proposed plans for the structure. He stated that they would demolish and rebuild a new 4,800 square foot, four

bedroom house, with a 3 car attached garage. Mr. Meyers said they are trying to push building toward the North. They are seeking to extend the building's side yard setback, but do not intend to go nearer to the lot line than the present encroachment. Mr. Lacy said that although the new building is pulling back somewhat, it is also pulling forward in the front. Chairman Chittick asked a series of questions regarding the volume of the building. He stated that in the front it looks like the building is going from 17 feet to 7 feet and that they are pulling the envelope back. He asked Mr. Meyers how much volume was being subtracted in that area compared to the back and Mr. Meyers stated that it was a about an even swap. Mr. Lacy stated that the concern of the Board is the amount of massing in the side setback. Mr. Goedecke suggested that additional photos and perhaps a North elevation would help clarify what the impact would be. Chairman Chittick asked if anyone in the audience would like to speak. Mimi White of 22 Sheldon Road stated that she has viewed the plans and really likes the house. She wants to make sure that the building does not go any higher than proposed as it affects her view. The Board explained that any additional alterations would need relief from the Board. The Board requested that the applicant file a north elevation that shows the existing house and its volume, as well as cubic measurements for the existing and the proposed, the footprint of the existing and proposed, as well as two dimensional areas and 3 dimensional volumes with statistics for existing and proposed. **Chairman Chittick moved to continue the hearing. Mr. Goedecke seconded the motion and the vote was unanimous.**

SPECIAL PERMIT – Filed by Donald T. and M. Kelly Conetta. Seeks to build an addition and add a second floor at 173A Hull Street. File#09.12.11c.

Mr. Donald and Kelly Conetta addressed the Board. Mr. Conetta stated that they are seeking relief for a small addition to a small ranch/cape. They hope to convert an existing three seasoned porch to a year round room, and add additional 5X9 section to the south side of the new room to extend it. They will remove the steps that are within the setback and add steps to the other side. They are also proposing to build up on top of the porch, adding a gable roof and dormer on each side. This will bring the existing structure back by approximately 2 feet 10 inches. Mr. Goedecke clarified some measurements by stating that the structure would still be in the setback, but not as far out and in regard to the roof, the existing is 20.9 feet and the proposed would go to 22.9 feet. Mr. Lacy pointed out that they are building a large gable in the setback. Mr. Coneta stated that they do have the support of the neighbors most directly affected. A letter from these direct abutters, Susan Hoadley and Corina Martinez of 175 Hull Street, was filed (letter to file). The letter states they are in full support of the project and that the applicants have agreed to plant trees for screening. Chairman Chittick stated that he talked with neighbor Josiah Stevenson of 173 Hull Street, and he too is in support of the project. **Chairman Chittick moved to close the hearing. Mr. Goedecke seconded the motion and the vote was unanimous.**

DELIBERATIONS

Filed by South Shore Playhouse Associates, Inc. represented by Vincent Longo, Manager. Seeks to modify the existing decision filed by the Board on December 20, 2004. File #04.09.23 and 04.11.22

After a brief discussion, **Chairman Chittick moved the Board grant the request to modify the existing decision. Mr. Lacy seconded the motion and the vote was unanimous (Chairman Chittick, Mr. Lacy and Mr. Higginson, 3-0).**

APPEAL – Filed by Susan Sturdy of 374 Atlantic Avenue, appeal of the Building Commissioner’s Decision to not rescind the building permit issued to the owners of 379 Atlantic Avenue. File #09.07.07.

After a brief discussion, **Chairman Chittick moved the Board grant the appeal in part. Mr. Lacy seconded the motion and the vote was unanimous (Chairman Chittick, Mr. Higginson and Mr. Goedecke, 3-0).**

Chairman Chittick moved to close the hearing. Mr. Lacy seconded the motion and the vote was unanimous. Meeting adjourned at 11:00PM.

Respectfully submitted,
Jennifer Oram
Assistant Clerk, Zoning Board of Appeals