

Members Presents: S. Woodworth Chittick, Chairman
Charles Higginson
Barbara Power
Peter Goedecke
Kathleen Hunter

Member Absent: Benjamin Lacy, Vice Chairman

Others Present: Jennifer Oram – Recording Secretary
Bob Egan – Building Inspector
Richard Henderson – Attorney
Daniel McKinnon – Attorney
Dave Calhoun – 2 Sheldon Road
Barbara Hiltz – 9 Cushing Road
Susan Kecskemety – 2 Cushing Road
Michael Patroliia – 15 Cushing Road
Gary Barrow – 51 Smith Place

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

HEARINGS

2 Sheldon Rd. (Calhoun) - §5.3 (construct a garage/mudroom) - #06-01-24 – SP

Mr. Calhoun, the applicant, is asking for relief to build a garage with a mudroom. Mr. Calhoun explained that he has been before the Board many times as his house is non-conforming. He stated that he and his wife want to move the garage for safety reasons, as it is currently located under their bedroom.

Upon looking at the proposed plans, Peter Goedecke asked how with 336 square feet of new construction within the required 30 foot setback, the applicant could say that it is conforming. Mr. Calhoun stated that under 5.4.3 of the bylaw, he is allowed to take the average of the houses on each side of his property, (one of these properties is located across the street). He stated that one of his neighbors has a negative setback, so the average should allow him to go to a 15-foot setback. Mr. Chittick stated that the Board has always interpreted the bylaw to mean the same side of the street; therefore, Mr. Calhoun would in fact need to meet the 30-foot setback requirement.

Mr. Goedecke stated that by his calculations, these plans would make the home 54% more non-conforming. He felt that the new construction could easily be put on the side and this would be putting it into the no-build area within the setback. Mr. Calhoun agreed, but stated that this would be less pleasing to his neighbors.

Members of the Board will drive up and look at the property to get a better idea of the layout.

Mr. Goedecke moved to close the hearing. Mr. Higginson seconded it, and the vote was unanimous.

DELIBERATIONS

19 Atlantic Avenue (Barker) - §8.7 (construct a new dwelling) - #05-08-23 - SP

Attorney Richard Henderson asked to withdraw his client's application without prejudice. Attorney Henderson plans on reapplying at a future date as he has more evidence to submit. Attorney Daniel McKinnon objected on principal, but stated that his client has entered into a P&S on his property, so this case could end up being moot in the end. **Mr. Charles Higginson moved to approve the withdrawal; Ms. Kathleen Hunter seconded it, and the vote was unanimous.**

2 Smith Place (Brown) - §9.7 (construct a commercial building) - #05-08-24 – SP

Chairman Chittick recused himself from this continued deliberation from the January hearing. Mr. Charles Higginson Chaired the deliberation.

Attorney Richard Henderson informed the Board that the MBTA is not in a position where it could make any decisions in regard to alternative access to 2 Smith Place.

Mr. Higginson stated that the hearing was closed on everything except for parking and flooding. Mr. Higginson assigned the following members with specific topics for drafting the decision: Mr. Goedecke will address flooding, Ms. Hunter will address safety and traffic in the neighborhood and Mr. Higginson will address the issues of parking. Mr. Higginson asked for the Board's best efforts between the 21st – 25th of February. He stated that the members could call him one at a time to discuss any questions they may have while drafting their part of the decision. They will also ask Board Member, Benjamin Lacy, to be the editor on their drafts.

The Board would like to have the final decision by the April ZBA meeting, but they may need to ask the applicant for an extension. Attorney Henderson stated that he would be submitting more information within the week in regard to parking.

49 Margin Street (Roy) - §9.7 (construct a reflecting pool and barbeque in flood plain) #05-10-24

Mr. Chittick reviewed his draft decision to grant relief to the applicant for the reflecting pool and barbeque pit. Relief would be granted under two conditions: first, the barbeque needs to be moved away from the Westerly side of the lot in order to comply with required setbacks. secondly, the reflecting pool must conform to the plans that have been submitted. Mr. Chittick stated that this now uses up the applicant's exemptions under 9.7.5; any similar construction would require variance relief.

Mr. Goedecke suggested that this statement be added to the decision, and corrected one typographical error. **Mrs. Barbara Power moved to approve the decision with these changes, Mr. Higginson seconded it, and the vote was unanimous.**

OTHER BUSINESS

Mr. Chittick moved that unless the Board received a letter from McNary of 355 Atlantic Avenue, Mr. Chittick would write a denial to this application. Mr. Goedecke seconded this, and the vote was unanimous.

Mr. Chittick then reviewed the seven (7) proposed Articles that the Planning Board and the Zoning Advisory Committee (ZAC), plan on bringing to Town Meeting. The Board had a lengthy conversation reviewing each proposed Article.

The Board also decided to move the Monday, April 3, 2006 meeting, to the following Monday, April 10, 2006. This will accommodate any overlap from the Saturday, April 1st Town Meeting.

The next meeting of the Zoning Board of Appeals will be Monday, March 6, 2006 at 7:30PM.

Respectfully submitted,

Barbara M. Power
Clerk