

- Members Present:** S. Woodworth Chittick – Chairman
Benjamin Lacy
Kathleen Hunter
Barbara M. Power – Clerk
- Members Absent:** Charles Higginson – Vice Chairman
Peter Goedecke
- Others Present:** Jennifer Oram, Recording Secretary
John and Jennifer Routhier – 169 Pond Street
John and Joan Conte – 1 Forest Ave.
Linda and Al Riccio – 190 Pond Street
Barbara Conte – 190 Pond Street
Susan Sadler – 165 Pond Street
Paul Trendowicz – 118 Beach Street
Michael Bliss – 101 Arch Street, Boston
Neil J. Murphy, Eng. – 97 Border Street
Charles Humphreys – 15 Brook Street
Joe Campbell – 14 Pleasant Street

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

HEARINGS

2 Smith Place (Brown) - §9.7 (construct a commercial building – modified plan) - #06-03-21

Attorney Richard Henderson asked to withdraw this application without prejudice. **Mr. Benjamin Lacy moved to support the withdrawal, Mrs. Barbara Power seconded the motion, and the vote was unanimous.**

Chairman S. Woodworth Chittick then moved that the Board go into Executive Session for the purposes of discussing Avalon litigation strategies, Mr. Lacy seconded the motion and the vote was unanimous.

The Board returned to the Open Meeting from Executive Session at 7:58PM.

190 Pond St. (Riccio) - §9.6 and 9.7.8 (construct a garage in a flood plain) - #06-03-10

Engineer, Neil Murphy, addressed the Board on behalf of the applicants, as well as the builder, Mr. John Keif. Mr. Murphy explained that Mr. Keif had met with the Building Inspector, Mr. Robert Egan, and that Mr. Egan instructed Mr. Keif to seek approval from the Conservation Commission. Mr. Keif did not seek this approval, and went ahead and poured the foundation. Mr. Murphy felt that approval would have been granted had the correct steps been taken. Mr. Murphy also reviewed the flood plain map. He pointed out

that if the elevations were accurate, the intersection of Route 3A and Pond Street would currently be under water. He also stated that the Riccios and many neighbors would testify that they have never seen flooding in that area. Chairman Chittick asked Mr. Murphy if the lot coverage would be lessened with the construction. Mr. Murphy stated that it would most likely be identical. At this point, the applicants stated that since they moved into the house in 1993, they have not had any flooding. The Riccio's rear abutters, Mr. and Mrs. Nugliaccio, stated that they had never seen flooding and that the house used to belong to Mr. Nugliaccio's father-in-law and in the 52 years they have been there, they have not seen flooding. Jennifer Routhier of 169 Pond Street, Joan Conte of 1 Forest Avenue, and Karen Denwood of 19 Buttonwood Road, all stated that they have never seen the area in question flooded. **Mr. Lacy moved to close the hearing. Ms. Hunter seconded the motion, and the vote was unanimous. The decision is to be drafted by Ms. Hunter.**

37 Parker Ave. (Cohasset Harbor Marina, Inc.) §12.3 (seeking to amend SP #00-09-12 - #06-03-20

Attorney Michael Bliss, of Connors & Bliss of Boston, addressed the Board on behalf of Paul Trendowicz, President of the Cohasset Harbor Marina, and Leonard Singer, both whom were also present for the hearing. They are before the Board seeking an amendment of the Special Permit (SP) that was granted in 2001. Attorney Bliss explained that this amendment was purely a technical change of the wording on the SP. He reminded the Board that the original SP that was granted contained five special conditions, and that condition number 3 required the Marina to renew the SP on an annual basis. Attorney Bliss explained that if they could trade the old conditions, with the proposed new conditions, Mr. Bliss and his client would be willing to drop the pending litigation they currently have against the Town. In addition, the applicant also agrees to be bound by the Town's enforcement officers.

Mr. Lacy stated that he felt that this agreement would establish the Town of Cohasset's jurisdiction over the Marina. He also stated that the Board's Attorney, David Rosen, had reviewed the amendment and the proposal and had endorsed it.

Several neighbors of the Marina then expressed their support of the Marina and Mr. Trendowicz. **Chairman Chittick moved to close the hearing. Mr. Lacy seconded the motion, and the vote was unanimous. The decision is to be drafted by Mr. Lacy.**

14 Pleasant St. (Campbell) - §8.7 (construct an addition in excess of lot coverage) – #06-03-21a

Attorney Charles Humphreys addressed the Board on behalf of the applicants, Joseph and Janet Campbell. Mr. Humphreys alerted the Board of his concern about the current set of plans. He stated that while doing a walk through with the updated plans he had from the Engineer, it was discovered that the decks were not included on the plans. He asked the Board if he should have the plans updated so that they were exact, and continue the hearing until May. Mr. Lacy agreed that this would be best, but asked Attorney

Humphrey's to explain his reasoning for seeking relief under §8.7. Mr. Humphreys explained that he believed that the 808 square foot addition tripped over the 2003 bylaw change. Mr. Lacy asked that if that were the case, what remedy would he, Mr. Humphreys, find under 8.7. He stated that the applicants had a right to seek a Special Permit to allow the intensification of use and either the extension of a previously existing non-conforming use, or relief from the creation of a new one, under a non-conforming lot. After further discussion, **Mr. Lacy moved to continue the hearing until May so that the plans could be made exact. Ms. Hunter seconded the motion, and the vote was unanimous.**

DELIBERATIONS

271 South Main Street (Sardina) - §8.7.2 (construct an addition) - #06-02-13

Chairman Chittick reviewed the draft of his written decision with the Board. **Mr. Lacy moved to grant the relief under §8.7.2 as expressed in Chairman Chittick's decision, Ms. Hunter seconded the motion, and the vote was unanimous.**

6 Joy Place (Crews) - §8.7.2 –(add a second floor to existing garage) - #06-02-14b

The Board reviewed the draft decision that was written by Mr. Peter Goedecke. Mr. Chittick stated that in the draft, Mr. Goedecke questioned the lot plan size, and had wondered how the house had been allowed to be built in the first place. To confirm the measurements, Mr. Chittick looked up the lot at the Assessor's office, and the plan seemed correct. Mr. Chittick stated that the home was built in 1969. Also in 1969, Zoning Bylaws were passed in regard to setbacks. It was decided that chances were that the building permit was granted before the Attorney General approved the bylaws. Mr. Chittick stated that all of this would be hard to research. Mr. Lacy stated that he felt that on merits alone, he felt the Board should grant the Special Permit. **Chairman Chittick moved to grant relief under §8.7.2, Ms. Hunter seconded the motion and the vote was unanimous.**

OTHER BUSINESS

Minutes Approval

Mr. Lacy moved to approve the minutes of March 6, 2006. Chairman Chittick seconded the motion, and the vote was unanimous.

Meeting Date

After a lengthy conversation, it was decided to move the ZBA meetings to Tuesday. The next meeting of the ZBA will be Tuesday May 9, 2006.

New ZBA Application Form

The Board reviewed the new form. The only change the Board asked to make was to add a date in the footer, which would show when the form had been updated. The Board also decided that the new form would go into use after May 10, 2006 (the office will begin to hand out after 4.18.06, the deadline for the May meeting). **Chairman Chittick moved to accept the revised form with the one change, Mrs. Power seconded the motion, and the vote was unanimous.**

Mr. Lacy moved to adjourn the meeting, Ms. Hunter seconded the motion, and the vote was unanimous.

Meeting Adjourned at 9:25PM

Respectfully submitted,

Barbara M. Power
Clerk

REMINDER – the next meeting of the ZBA is on Tuesday, May 9, 2006.