

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

Others Present: Jennifer Oram, Assistant Clerk

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

Zoning Board Business

Approval of May Minutes – The Board will vote on these in July.

Approval of Document Submission Policy – After a brief discussion, **Mr. Peter Goedecke moved to approve the policy for submissions for a continued hearing as amended. Mr. Benjamin Lacy seconded the motion and the vote was unanimous.**

HEARINGS

25 Ripley Road, (Wilmarc Charles). Seeks to construct seven condominium units in the existing single family home. Comprehensive Permit, pursuant to Chapter 40B, sections 20-23, as well as a Special Permit under §5.3. File #09.03.13.

This is a continued hearing. Chairman Chittick reviewed where the hearing presently stands. He stated that the Board sent a list of data requests to the applicant’s attorney, Attorney Robert J. Barrett on May 12, 2009. Attorney Barrett sent a letter in response to the Board’s requests on May 28, 2009 stating that they would not be submitting any further data. Attorney Barrett addressed the Board and stated that the Board knows that the project is financially strapped and that his client would like the Board to move forward with the documentation it has before it and approve the project with conditions. Ms. Hunter asked if the Board were to approve the project, would Mr. Charles have the money to complete it. Attorney Barrett stated that with an approval, funds would become available. Ms. Hunter asked how the applicant could ask the Board to approve a project the Board has not seen yet. Attorney Barrett stated that the Board already has suitable plans in front of them and his client does not want to spend another \$6,000 [on plans and engineering] to convince the Board that lights won’t shine in neighbor’s eyes etc. if there is a chance the project will not be approved. Attorney Barrett stated the only real changes to the building are the side setbacks and the height of the structure. Chairman Chittick said that the Board has not granted the most trivial of Special Permits in the past without requiring the appropriate plans. He added that this is a 40B application, a very serious application that requires a list of waivers from the applicant. He said for the Board to approve this application without accurate plans would not only be inconsistent with the precedents it has set in the past, but he feels it would also be irresponsible of the Board to do so. Mr. Benjamin Lacy stated that the Board has still not received the requested list of waivers from the applicant. Mr. Peter Goedecke said that the Board cannot proceed without a site plan. Chairman Chittick suggested the Board continue the hearing for a month. Mr. Goedecke asked why the Board should continue if next month will be in the same place in the process as they are now. Chairman Chittick stated that there are still outstanding DHCD issues the Board is waiting on. Ms. Hunter asked if the Board would be wasting Mr. Charles’ time by continuing for another

month. Chairman Chittick stated to Attorney Barrett that without the applicant submitting a coherent, clear set of plans, the Board is not going to approve the project. Ms. Susan Kent stated that she thought it would be fair to give the applicant another month. She added that the Board has held up its [side of the process] and now the applicant should hold up his. Mr. Goedecke stated that he does not feel the applicant has provided what the Board has requested. He stated that the plans before the Board are for a different project and that the Board has given six hours of meeting time to the application. **Chairman Chittick then moved to continue the hearing. Ms. Hunter asked why the Board should give the applicant another month if he is not asking for one. Chairman Chittick stated that the Board should “bend over backwards” and work with the applicant. Mr. Lacy seconded the motion and the vote was unanimous (Chairman Chittick, Mr. Lacy and Mr. Higginson).**

DELIBERATIONS

17 Sohier Street (filed by Diarmuid and Elizabeth O’Connell of 25 Sohier Street). Appeal of the “Building Inspector’s failure to grant enforcement” per the applicants request. File #08.12.22.

After an extensive conversation about this appeal, **Chairman Chittick moved to uphold the appeal, in part. Mr. Lacy seconded the motion and the vote was unanimous (Chairman Chittick, Mr. Lacy and Mr. Higginson).**

8 Highland Court (Carr, Lynch and Sandell on behalf of land owner, Rebecca H. Behenna). Seeks to build an addition (front stairs). §§§8.7.2, 7.1 and 5.3.1. File#09.04.09.

After a brief discussion, **Chairman Chittick moved to the Board grant the request for a Special Permit. Mr. Lacy seconded the motion and the vote was unanimous (Chairman Chittick, Mr. Lacy and Mr. Higginson).**

Chairman Chittick moved to adjourn the meeting. Mr. Lacy seconded the motion and the vote was unanimous.

Meeting adjourned at 9PM.
Respectfully submitted,
Jennifer Brennan Oram
Assistant Clerk, Zoning Board of Appeals