

Members Present: S. Woodworth Chittick, Chairman  
Benjamin H. Lacy  
Charles Higginson  
Susan Kent  
David McMorris

Member Absent: Peter Goedecke

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

Board Business

**Minutes** – Mr. Benjamin Lacy moved to approve the October 5, 2010 minutes as amended. Chairman Chittick seconded the motion and the vote was unanimous.

**Motion to continue 25 Ripley Road Hearing** – Chairman Chittick stated that funds had not been provided to underwrite the Board’s engineer. It therefore did not make any sense to hold the hearing this evening. **Chairman Chittick moved to continue the hearing for the Order of Remand at 25 Ripley Road to January 2011. Mr. Lacy seconded the motion and the vote was unanimous.**

**SPECIAL PERMIT – filed by Paul Sheerin on behalf of Kendall Village Cohasset Builders, LLC, seeks to raze the existing four unit structure and reconstruct a three unit condominium structure at 150 North Main Street. §8.7.2. File #10.10.06. Continued.**

Attorney Walter Sullivan, Mr. Paul Sheerin and Mr. Herb Kuendig addressed the Board. Attorney Sullivan stated that they have submitted the revised plans as requested by the Board. In addition, Attorney Sullivan spoke with Mr. David Wadsworth of the Historical Commission to get clarification on the neighborhood and if in fact it has been deemed historical. He stated that the abutters of the property are stating that the home at 150 North Main Street is historical. Attorney Sullivan submitted a copy of his letter to Mr. Wadsworth and stated that he felt there must be some sort of mistake ; that although the house may be of historic value, the area, referred to as “the North End” is eligible for listing in the National Register of Historic Places, but has not been.

Attorney Sullivan then reviewed a letter drafted to the Board from the applicant, Mr. Paul Sheerin, dated December 7, 2010. In his letter, Mr. Sheerin states that his proposal of razing the existing structure that houses 4 (four) 2 (two) bedroom apartments and replacing it with 3 (three) condominium units with parking underneath will “not be substantially different in character or in its effect on the vicinity, nor substantially more detrimental than the existing non-conforming use and structure (as modified by the 2003 Section 8.8 special permit) to the neighborhood, nor injurious or dangerous to the public health or hazardous because of traffic congestion or other reason”. Attorney Sullivan handed the presentation over the Mr. Sheerin and Mr. Kuendig. Mr. Sheerin reviewed the changes made to the plans since the previous hearing. He stated that they moved the building back on the lot so the lot width at the building remained the same. They eliminated two existing parking spots in the front. There was a brief discussion regarding the parking spots. Mr. Lacy does not feel they need 8 (eight) parking spots outside where they also have parking underneath. Mr. Sheerin feels they need the additional parking for loading and unloading. Mr. Sheerin then addressed the issues of density and traffic. He stated that he feels with the reduction in the number of units, this will lower the amount of people and that the property is being marketed for “empty nesters”. Chairman Chittick asked how long

Mr. Sheerin has had a financial interest in the building. Mr. Sheerin stated that he does not have a financial interest, just a contract to purchase the property should the Special Permit be granted. Ms. Susan Kent asked how much they had reduced the height of the building. Mr. Kuendig stated 2 (two) feet. Mr. Charles Higginson stated that the proposed is very close to going over the allowed lot coverage where they are at 29.2% (maximum allowable is 30%) and asked if Mr. Sheerin could go over what they used to calculate the coverage. Mr. Kuendig stated they used the concrete patios, pavement, retaining walls, and the walkway from the driveway to the house. Mr. Kuendig then clarified that the actual reduction in height of the building was 1.5 feet, not 2 (two) feet as stated earlier. He added that the size of the house has not changed, but they did push it back on the lot by 20 feet. The front setback is presently 30 feet off of the street and the proposed will be 49.7 feet.

Chairman Chittick then stated that he feels the Board understands the position of the applicants and that the big issue is the impact the proposed would have on the neighborhood. Chairman Chittick first reviewed the sections that could be applied to the application. He stated that he agrees with Attorney Sullivan that both §§8.7.1 and 8.7.2 could apply and that it has been widely held that a raze and reconstruct is an alteration of the existing building. Chairman Chittick opened up the discussion to the audience, stating first that he does feel that 8.7.2 does apply. Mr. Mark Keene of 151 North Main Street addressed the Board and submitted a memo addressing §§8.9 and 8.7 and why he feels that neither section can apply to this application. Chairman Chittick stated that he did not agree and that there are many court cases that have held that these sections do apply to raze and reconstruct applications. Ms. Susan Keene of 151 North Main Street then addressed the Board. She stated that she met with Mr. David Wadsworth in his capacity as the Town Historian. She stated that he does feel the home at 150 North Main Street is historic and submitted a letter to the Board from Mr. Wadsworth dated November 29, 2010. Chairman Chittick read the letter aloud. Ms. Keene stated that although 150 North Main Street may not have legal protection as an historic house, it is clearly part of a neighborhood with historic homes. Ms. Kent asked the neighbors why they feel the increased parking spots would increase the density and the traffic. Ms. Keene stated that if the spots are there it presents the opportunity for parking. Ms. Kent stated that she did not find that reasoning to be logical and that you can't make that specific judgment. Mr. Lacy stated that it seemed to him that if there were less spots on the property it could promote more on-street parking which he feels would be more detrimental to the neighborhood. Mr. Roger Crafts of 156 North Main Street reviewed why he and his neighbors feel that the proposed project does not fit in to the neighborhood. He stated that they feel the structure is too large for the lot and that the project increases the density and is injurious to the neighborhood. Mr. Ethan Myers of 164 North Main Street stated that he shares all of the concerns expressed this evening and expressed concern whether it sets a dangerous precedent if this project is approved where so many homes in town have legal apartments. Building Commissioner Robert Egan reminded all present that §8.7.1 ^was re-written at the June 2010 Special Town Meeting and states that it specifically applies to 1 (one) and 2 (two) family homes. Mr. Christopher McGowan of 154 North Main Street submitted a police report he requested from Lt. Quigley showing activity at 150 North Main Street back to 1999. Mr. Lacy pointed out that the proposed project has to be more detrimental than what presently exists. Chairman Chittick stated that it seemed to him that if someone owned the property they would want to take care of the property and that renters are more of a transient nature. Ms. Kent asked Mr. McGowan what his biggest concern was about the project. He stated that it was being able to sleep at night. Ms. Kent stated that it seemed to her that anything could be an improvement to what is there now. Mr. McGowan stated that he didn't see how a bigger property with a driveway near him would be an improvement. Mr. David McMorris stated that 6 (six) of the proposed parking spaces are going to be indoors and that ^alarms going off inside would be better. Ms. Barbara Wipf of 3 Ripley Road stated that 150 North Main is located at a "T" intersection and that the area is very heavily trafficked with the

pool, library, baseball field etc. Mr. Lacy stated that with the statute, you have to compare the proposed to what exists today, not to a single family home or what you think ought to go in its place. Ms. Rita Kuolas of 140 North Main Street added that she has to jump out of the way of cars in the area. Mr. McMorris stated that he was having a hard time understanding how the proposed would be more detrimental to the neighborhood. Mr. Geoffrey Filbey of 134 North Main Street does feel there will be increased traffic as more people will be going in and out of the property. Ms. Joslyn Peters of 12 Ripley Road stated that she feels they are all reasonable people but that they feel this project will impact the neighborhood negatively. Ms. Kuoloas added that her biggest concern is that she feels living next door to a condominium lowers the value of her property. Ms. Keene added that 150 North Main in its present state is known as the “spite” house and that the owners leave it in disrepair to get what they want from the Zoning Board of Appeals. Mr. Keene concluded by saying they feel the proposed project before the Board is more detrimental to the neighborhood and the Board should not grant the Special Permit.

Chairman Chittick asked if anyone else wished to speak. Mr. Steve Bjorkland, one of the two owners of 150 North Main Street, stated that the house is not a “spite” house and that they have put in \$100,000 in maintaining the structure. He added that the Zoning issues for the structure have been gone through at nauseum and that the proposed project would be an improvement. Chairman Chittick then asked Attorney Sullivan for a rebuttal. Attorney Sullivan stated that he did not see how the proposed project would increase traffic. He stated that nothing has been designated as historical and clarified that condominiums are just another form of ownership. In regard to density, he stated that if anything, they are proposing a decrease in people and thus the density. The Board thanked Attorney Sullivan. **After a brief discussion, Mr. Lacy moved to close the hearing. Ms. Kent seconded the motion and the vote was unanimous.**

**SPECIAL PERMIT – Filed by Neil J. Murphy Associate, Inc. on behalf of landowner Thomas D. Sullivan, seeks to raze and reconstruct a single family home in the flood plain and watershed district at 82 Whitehead Road. §9.7. File# 10.11.10.**

Chairman Chittick opened the hearing. Board member Charles Higginson moved to the audience and recused himself from this hearing. The application was filed by Neil Murphy and Associates who are representing the land owner, Mr. Thomas D. Sullivan who is not present. Mr. Murphy, Builder David Drake and representatives from the Architectural Firm The Compass Group addressed the Board. The Board reviewed the materials that had been submitted to the Board with the application. Chairman Chittick stated that they are applying for relief under §9.7, however if they are razing and reconstructing a dwelling on a nonconforming lot, they would most likely need relief under §8.7.2. However, the application does not show setbacks and several other required measurements. In addition, there does not seem to be any frontage on the lot. Building Commissioner Robert Egan addressed the Board and stated that he believed it was an 81L that went before the Planning Board. Chairman Chittick stated that even though the lot may have been subdivided, it does not mean that the lot in question is a legal lot. Mr. Lacy stated that they had to have setbacks. Mr. Scott Arnold of Neil J. Murphy Associates stated that he did not know where to measure the side setbacks from. Chairman Chittick stated that the lot width is 127’ which does not comply with zoning. He added that if there is no frontage on a street then the lot is not buildable. There was a lengthy discussion about the lot. Mr. Egan stated that the Board could conclude the lot does not have frontage, but that it does have setbacks and lot width. Chairman Chittick stated that they may have to go to land court to swap the land in an effort to make the lots conform. Mr. Murphy stated that Mr. Sullivan owns both lots. Chairman Chittick said that without an agreed upon frontage, they can’t determine sidelines and setback. Mr. Lacy stated that the

Board is going to need more information. Chairman Chittick then asked Mr. Murphy a series of questions regarding the elevations. Mr. Murphy stated the lot is above 10 feet and that the line is delineated on the site plan. Mr. Egan then stated that he thinks that everyone needs to use common sense and pick the front of the lot closest to Atlantic Avenue and use that as the frontage [to obtain the measurements]. Chairman Chittick asked the applicants if they have legal counsel that could speak to these issues. They stated they did. The Architect then reviewed the floor framing system for the Board. Mr. Egan stated that Mr. Arnold feels it is an A velocity zone, not a C zone. Chairman Chittick noted that the entire lot is susceptible to waves action over 3 (three) feet high. After further discussion, Chairman Chittick stated that the Board needs a great deal more information so they can move forward. The Board would like the application completed, deeds of the property, easements marked out and any other information the applicants can provide to clarify the issues with the lot. **Chairman Chittick moved the Board continue the hearing until January 10, 2011. Ms. Kent seconded the motion and the vote was unanimous.**

**Mr. Lacy moved to adjourn the meeting. Ms. Kent seconded the motion and the vote was unanimous. Meeting adjourned at 10:15PM.**

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

**Documents: re 150 North Main Street**

- Letter dated December 6, 2010 to David Wadsworth from Attorney Walter Sullivan.
- Letter Dated December 7, 2010 from Paul Sheerin.
- Memo titled "The Proposed Development Does not Satisfy the Requirements of Either Cohasset Zoning Bylaws §§8.9 and 8.7.
- Letter from David Wadsworth dated November 29, 2010.
- Report of Noise Complaints listed back to 1999, dated November 29, 2010.