

Members Present: Benjamin Lacy, Acting Chairman
Charles Higginson
Peter Goedecke
Barbara Power, Clerk

Members Absent: S. Woodworth Chittick, Chairman
Kathleen Hunter

Others Present: Jennifer Oram, Assistant Clerk

Chairman Benjamin Lacy called the meeting to order at 7:30PM.

Board Business – Mrs. Barbara Power moved to approve the minutes of March 4th and March 20th, 2008 as amended. Mr. Charles Higginson seconded the motion and the vote was unanimous (4-0).

33 Sohier Street – applicants are John and Suzanne Montgomery. They seek to replace the existing garage. SP §8.7.2. File #08-04-10.

The applicant, Mr. John Montgomery, addressed the Board and explained why he is before them seeking relief. He stated that he and his family have lived at this address since 1998 and that during the past three years they have renovated the house, but left the garage as is. After looking into remodeling the garage it became apparent that it would be more cost effective to raze the existing structure and rebuild it. The garage is an existing non-conforming structure. The proposed would remain in the existing footprint with only a small increase in the height of the structure of about three feet. The doors would be widened in the front to accommodate the cars of today. Chairman Lacy asked if the window facing the rear of the property would be made any bigger than the existing. Mr. Montgomery stated that it would not. Mr. Lacy asked if he would mind if the Board made that a stipulation in the decision to which Mr. Montgomery stated that he would not. There was then a lengthy conversation about the drawings and the height calculations. Chairman Lacy asked the applicant if he spoke to the neighbor, whose property runs behind and next to 33 Sohier Street, about the proposed structure. Mr. Montgomery stated that he had not spoken to him recently, but that in the past they had discussed the notion of rebuilding the garage and he was in support of it then. Chairman Lacy then added that the Planning Board had reviewed the application and they recommended that the ZBA approve this application. After a brief discussion, **Mr. Higginson moved to close the hearing. Mrs. Power seconded the motion and the vote was unanimous (Chairman Lacy, Mr. Higginson and Mrs. Power).**

355 Atlantic Avenue (Applicant is Heidi Condon, Architectural Designer, land owner is the James Jerome Coogan Trust). Seek to build an addition and raze a portion of the existing garage in the flood plain. SP §9.6. File #08-04-14.

Mrs. Juliana Tiryaki addressed the Board on behalf of Ms. Condon who would be joining shortly. Mrs. Tiryaki reviewed the history of the property and stated that it had been before the Board before in 2005. That application was denied, and tonight they are before the Board with an updated plan and are seeking relief for an addition in the flood plain. She stated that the proposed would not be in any of the setbacks. (Ms. Condon then joined the presentation). Ms. Condon added that they are removing a portion of the hard top driveway and moving the driveway to a much safer location. As for the addition, Ms. Condon stated that presently there is a deck where the proposed addition would be built. They will be maintaining the elevation of 22.13 feet. The addition will be going in place of the existing deck;

nothing would go below the deck and the four (4) existing concrete piers would be replaced with five (5) co-compliant piers (Ms. Condon will file a foundation plan at a later date). A second floor will be built over the addition, but this will not increase the height as the existing house is 25 feet, and it will not increase any setback. What is changing is the existing stairway that has access to the existing deck. The stairs are not up to code now and go to a wall that will be replaced with the addition. Ms. Condon needs to push the stairs out and create a new landing for the stairs to land on. There was then a lengthy conversation amongst Ms. Condon, the Board, and Building Commissioner, Robert Egan, about the flood plain and the various zones affecting this property. They reviewed the engineering plans and Mr. Egan explained that he had new FEMA rules that the applicant needed to comply with in regard to the elevation and flood height of any new construction. Chairman Lacy stated that Mr. Egan and Ms. Condon would work on that issue together. Chairman Lacy stated that the Board would be looking at this application under §9.11 and not 9.6 and that in every decision written by the Board, it is stated that the applicant must comply with all rules and regulations required by other Boards, committees and departments. Mr. Egan's FEMA concerns will be handled outside of this hearing. Chairman Lacy then added that the Planning Board had reviewed the application and they recommended that the ZBA approve this application. After another brief discussion, **Chairman Lacy moved to close the hearing. Mr. Peter Goedecke seconded the motion and the vote was unanimous (Chairman Lacy, Mr. Higginson and Mr. Goedecke).**

Chairman Lacy moved to adjourn the meeting. Mr. Higginson seconded the motion and the vote was unanimous (4-0).

Meeting adjourned at 8:35PM.

The next meeting of the Zoning Board of Appeals will be on Tuesday, June 3, 2008 at 7:30PM.

Respectfully submitted,
Jennifer Oram
Assistant Clerk