

Members Present: S. Woodworth Chittick, Chairman
Benjamin Lacy
Charles Higginson
Peter Goedecke
Kathleen Hunter
Barbara Power, Clerk

Others Present: Attorney Charles Humphreys
Attorney Richard Henderson
Jennifer Oram, Recording Secretary

Chairman S. Woodworth Chittick called the meeting to order at 7:30 PM.
Happy Birthday Charlie Higginson!

HEARINGS

187 Beechwood Street (Merope Davis) – seeks to raze existing single-family dwelling and construct a new two bedroom home. SP §8.7.2 and §12.4 - #07-05-13- Sitting wc bl ch bp pg kh.

Attorney Charles Humphreys addressed the Board on behalf of the applicant. Architect, Jesse Blanchett was also present. Chairman Chittick asked that Attorney Humphreys give the history of the home. He stated that the current owner of the property acquired it through foreclosure after she and her partner had lent the previous owner money. Work was started in February 2005, but was done without a building permit, and later that year a cease and desist order was issued, and the building was left in its current state. The new owner is seeking a Special Permit to raze the existing structure and build a new two bedroom home. Attorney Humphreys explained that the current structure pre-dates zoning. He stated that the Board needs to determine if the proposed changes would be considered an extension of an existing nonconformity and if so, does it satisfy the conditions of §8.7.2. Attorney Humphreys said that the proposed house is essentially the same size as the current dwelling, its footprint being 1, 535 square feet whereas, the proposed structure’s footprint is to be 1,166 square feet. Currently the house does not meet any of the setback requirements. What the applicant would like to do is reorient the building on the lot, and move it farther away from Route 3A. Mr. Benjamin Lacy asked what the proposed height of the new dwelling would be, to which Attorney Humphreys stated it would be 13 feet, or no higher than what is existing. There was then a lengthy conversation about whether or not the application should actually be a Variance as some members of the Board feel the proposed would be increasing a non-conformity. Chairman Chittick also stated that he would be concerned about the safety of the driveway location, and the residents entering and leaving the driveway. He also stated that he did not feel that the idea of “abandonment” could not be ruled out, and asked the applicant to provide records showing when the last tenants occupied the building. In addition, Board member, Kathleen Hunter, asked for more information in regard to the driveway. She reminded the applicant that any impervious covering would have to be included in the lot coverage percentage. Further discussion ensued concerning the intersection and the fact that it is one of the busiest and most dangerous in Town. Chairman Chittick suggested that the hearing be continued, as the Board needed more information and better drawings with actual calculations.

The Board asked that the applicant file the following: measurements and drawings of the driveway, lot coverage, contours and exterior elevations. **Mr. Lacy moved to continue the hearing. Mrs. Barbara Power seconded the motion, and the vote was unanimous.**

31 Atlantic Ave. (Douglas and Marie Dubiel) seek to relocate driveway – SP §8.7.2 and §8.8. #07-06-14 – Sitting wc bl ch bp pg kh.—

Attorney Richard Henderson addressed the Board on behalf of the applicant. Attorney Henderson explained that the applicants, and their neighbor, Mr. James Dean, of 21 Atlantic Ave., tried to come to an agreement and price for an easement, but were unable to do so. Attorney Henderson stated that the existing driveway encroaches upon the neighbor's property (21 Atlantic Ave). The applicant seeks to relocate the driveway so that it falls entirely within their lot lines, but due to the angle of the turn, the applicants request that the southerly boundary of the driveway begin at the lot line and not have to comply with the setback section of §7.1.13. Attorney Henderson stated that he felt what they are proposing to do is actually less detrimental than where the driveway is presently. Mr. James Dean then spoke against the application stating that he felt the proposed driveway devalues his property, that he would like the driveway to be no closer than five feet from his lot line. **After further discussion amongst the Board, Chairman Chittick moved to close the hearing. Mr. Lacy seconded the motion, and the vote was unanimous. Mr. Goedecke will be drafting the decision.**

42 Atlantic Ave. (Peter A. Cundall and Ann C. Stenbeck) – An Appeal of the Building Commissioner's decision that the lot at 42 Atlantic Ave. does not have frontage. #07-06-14b. Sitting wc bl ch bp pg kh.

Attorney Henderson addressed the Board on behalf of the applicants. He explained that they were before the Board to appeal a letter written by the Building Commissioner, Robert Egan, dated May 28, 2007 that denied them a building permit. He stated the Mr. Egan cited the Board's decision of March 12, 2007 which denied a building permit for Lot B on Meadow Lane. In Mr. Egan's letter, he wrote that he believed "portions of Newtonville Road and Dean Road that would be used as frontage and access to this lot *may* not provide sufficient widths and grades for another home without placing a burden on existing properties". Attorney Henderson said that it was his understanding that what Mr. Egan was referring to was the Dean decision, and the definition of a street. Attorney Henderson then presented several submissions to the Board in order to demonstrate that the lot does have frontage on Newtonville Road, and that Newtonville Road does meet the definition of a street. He submitted to record the following: A 1905 plot plan from the Assessor's showing the lot in existence at that time, an Assessor's map showing who would be given assessments for the drainage work that was done in the Newtonville area, a letter from the Sewer Commission granting the lot an EDU (Equivalent Dwelling Unit) hookup, as well as copy of the plan for the hookup and the Planning Board approval of the lot, with the barn located on the plan. Attorney Henderson then went on to say that Newtonville Road is used by many homeowners to access their dwellings, thus the road is commonly used, meeting the definition of a street. In addition, he confirmed that all of the homes in that area are on public water, all but two of the homes are on Town Sewer and the Department of Public Works does plow the road. In addition, Attorney Henderson submitted the information showing that the Town, as well as those living in the area is paying for the drainage work that was done there. He said that \$100,000 was appropriated via a Town Meeting, but the cost came to \$188,000 and the rest of that is being absorbed by the citizens of Cohasset. Attorney Henderson obtained all of this documentation via meetings with employees of Town Hall, as well as Water Commissioner, Glenn Pratt. It was also pointed out at this point that the plan that

the Building Commissioner used to base his building permit denial showed the driveway accessing the lot from Meadow Lane. The plans that are now before the Board show the access to the lot via Newtonville Road. Attorney Henderson stated that he would submit a certified plan from Cavanaro Associates showing the frontage on Newtonville Road prior to the next meeting of the Board. Chairman Chittick then opened the hearing to the audience. Mr. Tim Schramm, of 28 Atlantic Avenue, stated that he objected to another home being added to an already congested area. In addition, he feels that the area is already dangerous with the amount of added traffic, and that daily people daily have to back down the road as there are traffic jams. Mr. Geoffrey Nothnagle, of 36 Atlantic Avenue, seconded Mr. Schramm's sentiments, and added that he was concerned about additional water flowing down from the new home. Mr. William Greentree, of 22 Atlantic Avenue, stated that since the drainage work in the area, the water now flows more directly on to his property. He is concerned that the water from the proposed home would send additional water to his land. Ms. Jacqueline Kleinz, of 26A Atlantic Avenue, stated that she too was concerned about the additional water runoff as she is at the bottom of the street and has had serious flooding issues in her home. Mr. Sean Doherty, the new owner at 50 Atlantic Avenue, stated that he knew when purchasing this property that the land next to his property would most likely someday have a house on it. He stated that he expected this as a buyer. In addition, he stated that he did not feel the area was too heavily trafficked, and that he did not have any difficulty with getting by another car on the road. In summary, he stated that he did not see any better way to use this land to put one house on it. He said that if this building permit were to be denied, someone down the road would find a way to develop land, and there could be two or three more homes in the area instead of the one. Mr. Jonathan Elgin of 32 Atlantic Ave. and Mr. John Dean, formerly of Meadow Lane, also spoke against the application.

Building Commissioner, Robert Egan, then spoke and suggested that perhaps the Planning Board and the Zoning Board could come up with procedures to address these types of applications at one time, instead of having the applicant go through the same steps twice. He stated that in nearly all cases, the applicants rely on the Planning Board's decision regarding their ruling on an endorsement of a subdivision plan. However, when the applicant gets to the Zoning Board, different standards apply. He suggests that maybe both Boards could follow the same zoning standards.

Chairman Chittick then moved to close the public hearing, allowing the Applicant the right to submit a plan showing 50' or more of frontage on Newtonville Road before the next meeting of the Board. Mr. Lacy seconded the motion, and the vote was unanimous. Mr. Higginson will draft the decision.

2 Sheldon Road – (Kelli Calhoun) – Appeal of the Building Inspector's Decision. Appeal - § 5.3 - 307-05-17. Sitting – wc bl ch bp pq kh. Continued.

Mr. David Calhoun and his Attorney, Mr. Walter Sullivan addressed the Board. Attorney Sullivan stated that at the last hearing, it was agreed that Mr. Calhoun would talk to his neighbors and get their definition of what they feel Sheldon Road is. Mr. Calhoun told his neighbors that they could put their responses in writing or attend the meeting. Mr. Calhoun then submitted a letter that he drafted and which his direct abutter, Claire O'Callaghan of 12 Sheldon Road, signed in agreement. Mr. Calhoun was then given a copy of the letter that had been submitted by Mr. Steve Bobo of 11 Sheldon Road, and Mr. Matt Shanley of 15 Sheldon Road. Mr. Shanley then addressed the Board stating that he did not see how Mr. Calhoun could say that he owns the road to the center, when a few years back, Mr. Calhoun signed a letter stating that he was an abutter to the road on a letter requesting that the Town pave it.

Mr. Shanley also stated that his neighbor, Pam Hodgkins, has been coming to the area since 1952 and that she has never seen the road gated, nor a 'No Trespassing' sign posted. He stated that he did not see how Mr. Calhoun could say one thing, but really mean another. Ms. Mary White, of 22 Sheldon Road then addressed the Board. She stated that she felt the road was commonly used by many people to walk up and down and sight-see. She stated that she was not against the garage that Mr. Calhoun wants to build, but that she is against the road not remaining paved. Mr. Robert Dorvall, of 273 Atlantic Ave., who accesses his home via Sheldon Road, stated that he drafted the letter that had been submitted to then Town Manager, Mark Haddad, in regard to getting Sheldon Road paved. He said that he would like the road to remain as it is, and he too felt the road was commonly used by the public. Mr. Calhoun stated that Sheldon Road is only paved until Mary White's home, located at 22 Sheldon Road. At that point, he states it is crushed stone. Mr. Calhoun then submitted a letter from Town Clerk, Marion Douglas, stating that Sheldon Road is a private way. Mr. Calhoun stated that the Planning Board has made the decision that Sheldon Road is a private way. Chairman Chittick said that at this point, it is up to the members of the Zoning Board to make their own decision in regard to this application. Attorney Sullivan added that he had not heard any testimony that says that Sheldon Road is a street. Mr. Lacy stated that the Board had heard testimony that many people drive up Sheldon Road to look at the Sheldon Road neighborhood and the sea. There was then a lengthy discussion about the definition of street. Chairman Chittick then said it is the Board's job now to analyze its definition of street. He stated that all points of view will be considered when drafting and deliberating the decision. Mr. Higginson then added that when the Board considers this, and if they decide to grant the application, the paved surface, stone wall etc. will have to be re-calculated on the basis that the applicant owns to the middle of the road. There was then further discussion in regard to the decision and filing dates. It was decided that if the Board should rule that it is a street, the appeal would be denied. The decision would then need to be filed by August 22, 2007. Any decision could be subject to the requirement of a new set of plans to file. **Chairman Chittick moved to close the hearing. Mr. Lacy seconded the motion, and the vote was unanimous. Chairman Chittick will draft the decision.**

DELIBERATIONS

40 South Main Street (Cohasset Hardware) (Nominee Trust, Inc.) – seeks to expand the existing building and add four apartments. SP §4.2 - #07-04-16. Sitting wc bl ch bp pg kh. ALSO, A Variance under §5.3 - #07-05-15 – Sitting wc bl ch bp pg kh.

This deliberation was continued until Tuesday, July 17th at 8PM.

16 and 22 Depot Court – (Richard H. Brown, Jr. and Gina M. Brown) – seek to re-build a building that was destroyed by fire. SP §8.7.2 - #07-05-04 – Sitting – wc bl ch bp pg kh.

Mr. Lacy reviewed his draft decision for the Board. There was a lengthy conversation amongst the Board and the applicant. It was decided the Board would approve the draft decision, and the applicant would work with the Building Commissioner to ensure he meets all of the conditions. **Chairman Chittick moved to approve the draft decision with conditions. Mr. Goedecke seconded the motion, and the vote was unanimous.**

251 King Street – (Joanne and Fred Higgins) – seek to build a screen porch in the setback. SP §8.7.2 - #07-04-30 – Sitting – wc bl ch bp pg kh.

Ms. Hunter reviewed her draft decision with the Board. **Chairman Chittick moved to approve the decision as written, granting the relief sought in the application. Mr. Lacy seconded the motion, and the vote was unanimous.**

123 Atlantic Ave. – Wigmore and Molly Pierson) – seek to remove a failing septic system and grading to facilitate improved drainage. §9.7 - #07-05-14a – Sitting wc bl ch bp pg kh.

Mr. Higginson reviewed his draft decision. **Chairman Chittick moved to approve the decision as amended, granting the relief sought by the applicants. Mrs. Power seconded the motion, and the vote was unanimous.**

53 Highland Avenue – (Tracy Merrill and Eric Wellmann) – seek to construct a second story addition to the existing garage – SP - §8.7.2 - #07-05-14b. Sitting – wc bl ch bp pg kh.

Chairman Chittick reviewed his draft decision to the Board. **Mr. Lacy moved to approve the decision as written. Ms. Hunter seconded the motion, and the vote was unanimous.**

There will be a continued hearing of the Zoning Board of Appeals on Tuesday, July 17, 2007 at 8PM.

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

The next full meeting of the Zoning Board of Appeals will be held on Monday, August 6, 2007 at 7:30PM.

Meeting adjourned at 12:15AM.

Respectfully submitted,

Barbara Power
Clerk