

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

Others Present: Jennifer Oram, Recording Secretary
Todd and Jessica Fitzpatrick, 220 South Main Street
Tina Watson, 40 South Main St.
James Watson
Douglas Freisen
Wayne Sawchuck, 432 Beechwood St.
Barbara Mullin, 14 Lamberts Lane
Jean MacDonnell of 17 Lambert’s Lane
Mr. and Mrs. Studley, 117 Hull St.

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

20-22 Lamberts Lane – (Kimberly and Angeline Luker) – seek to demolish an existing home, and construct a new home within the side setbacks. SP §8.7.2 - #07-04-10. Sitting wc bl ch bp pg kh.

Ms. Kimberly Luker addressed the Board along with her significant other, Jason Earls. Ms. Luker explained that she owned the property along with her grandmother, Angeline Luker. She stated that the six bedroom house that currently sits on the lot is falling apart, and that the cost to repair it would be more expensive than tearing it down and building new. They had the land perc tested, and the only location that would perc was located on the lot just where they had planned to put the new structure. Their engineer then explained that they could chip out some ledge at the back of the lot, and put the structure there. This would put them more into the setback, but would allow for the septic system to be put in where the land perced. Chairman Chittick explained that the Planning Board had reviewed this application at their April 25, 2007 meeting and that they had unanimously agreed to not recommend the approval of the application. Mr. Chittick explained that the Planning Board felt that ‘the proposed plans would increase the non-conformity in terms of both height and linear footage, and setback distance. Mr. Peter Goedecke agreed, stating that the house would be more than 50% nonconforming. Chairman Chittick asked what the height of the proposed structure would be, to which Mr. Earls explained that the new house would be 27.4 feet in height, which is actually less than the existing home. Mr. Charles Higginson suggested that the applicants turn the house 90 degrees on the lot, and that by doing so, it would make the house conforming. Mr. Earls explained that would have them facing the houses on either side. Ms. Luker stated that she felt that it would be less attractive if the door did not face the street. Mr. Benjamin Lacy explained to the

applicants that their current plans would be creating a non-conformity, and that the bylaws are in place to stop this from happening. He stated that he did not feel the Board would be able to grant the relief as requested. Ms. Luker then submitted a letter of support from her Grandmother, Angeline Luker. Ms. Luker also presented a letter of support from the neighbors Mr. and Mrs. Polito of 26 Lamberts Lane. Chairman Chittick then asked if there was anyone in the audience who would like to speak for or against the application. Ms. Barbara Mullin, of 14 Lamberts Lane, submitted a letter on behalf of her and her husband Michael, in opposition for the proposed plans. She stated to the Board that she was in favor of the current house being repaired, but felt that the applicants should stay within the existing foundation. Ms. Jean MacDonnell, of 17 Lambert's Lane, stated that she was concerned about the fact that she had not been approached by Ms. Luker, and about the possible water run-off that could be caused by the proposed plans. Mr. and Mrs. Studley, of 117 Hull St., also spoke in opposition, and submitted a letter to file. Chairman Chittick then stated that he felt that it was a Variance issue. The applicants asked if the hearing could be continued so they could look at their options. **Chairman Chittick moved to continue the hearing. Mr. Goedecke seconded the motion, and the vote was unanimous.**

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. Wc bl ch bp pg kh.

Owners Tina Watson and James Watson addressed the Board. Their Designer, Mr. Douglas Freisen of Duxborough Designs, reviewed the plans. Mr. Freisen stated that they would like to take the bottom floor and divide it into two commercial spaces. On the second floor they would like to make three apartments, with one apartment with a roof deck on the third floor. Chairman Chittick pointed out that under §5.4.6, it states that "In conversion to a dwelling for more than one family, no full dwelling unit shall be located above the second floor". Mr. Freisen explained that he had talked about this with Building Inspector, Bob Egan, and they both felt a second floor entrance to the third floor apartment would make it comply. Chairman Chittick stated that he may need to see some other examples as he was unaware of others existing in Town. Mr. Freisen stated that he had other plans that they could use if this became a real sticking point. Mr. Lacy then asked the applicants what part of §4.2 they were applying under. Mr. Freisen read aloud from the May 2000 decision that granted a similar relief to the applicants. Under that decision, the Board granted a Special Permit under §4.2 and §5.3.1, as well as a Variance under §7.1. B (decision on file with The Town Clerk). Mr. Lacy explained that he was very much in favor of what the applicants were proposing, but that they are still need to apply for and meet the tests for a Variance. He stated that the way the Bylaw is written, the plans they are proposing would not be allowed on a lot under 40,000 square feet. Chairman Chittick explained that they would need to continue the hearing, and re-advertise for the Variance as that is a greater relief. Mr. Goedecke asked if the applicants met the parking requirements, to which Ms. Watson explained that their building is 500 feet from the public lot. Chairman Chittick confirmed with the Mr. Freisen that the building height would only be increased by eight inches, thus keeping the building under the 35 foot requirement. The Board

then reviewed the 5 tests for a Variance with the applicants. Chairman Chittick also stated that he did feel the third floor apartment would be an issue, so they should make the plans so they conform with the Bylaw. Mr. Robert Sturdy then spoke in favor of the applicants. He asked the Board to grant the permit. There was then a lengthy conversation between the Board and the applicants. Chairman Chittick then stated that Mr. Sturdy did make a good argument for granting a Variance, but either way, the hearing would need to be continued so it could be re-advertised. **Chairman Chittick moved to continue the hearing. Mr. Lacy seconded the motion, and the vote was unanimous.**

DELIBERATIONS

264 Jerusalem Road – (Thomas and Margarita Nelson) Seek to construct a second story addition within side setback. – SP §8.7.2 - #07-03-12a. Sitting wc bl ch bp pg kh.

Mr. Benjamin Lacy reviewed his draft decision for the Board. Mr. Lacy stated that he was recommending that the Special Permit be granted on the basis that the addition is less intrusive than the garage, which is already nearer to the sideline, and thus closer to the neighbor's, Mrs. Clark's home. He stated that the garage blocks the view of the addition and that the latter is not detrimental to the neighborhood. Mr. Goedecke stated that he had been out to the location several times and viewed the addition from the Clark's view, and that he too did not find the addition to be detrimental. **Chairman Chittick moved to approve the decision as amended granting the SP to the applicants. Mr. Lacy seconded the motion, and the vote was unanimous.**

13 Pratt Court – (Peter J. and Janet Robinson) – seek to construct two additions. SP §8.7 - #07-03-12b. Sitting – wc bl ch bp pg kh.

Mr. Charles Higginson drafted the decision. Ms. Kathleen Hunter excused herself from the rest of the meeting. Mr. Higginson reviewed his decision with the Board. He stated that he wrote the decision granting the Special Permit, with the understanding that Conservation had not yet weighed in on the plans. Mr. Goedecke asked the Board to discuss the decision as he felt that it was not an open and shut decision. He stated that his concern was that the Board would be approving a large house on a small lot. Chairman Chittick stated that under §8.7.2 the Board is allowed to grant/authorize an extension of a nonconforming structure. He went on to say that there are two tests, and this application seemed to pass both, with much support from the neighborhood. After further discussion, Mr. Higginson agreed to put additional language into the decision. **Chairman Chittick then moved to approve the decision as amended granting the Special Permit. Mr. Lacy seconded the motion, and the vote was unanimous.**

Building Memo

Building Commissioner, Bob Egan, submitted a memo to the Board and asked them for their opinions on two different issues.

2 Sheldon Road - Mr. David Calhoun – Mr. Calhoun came before the Board twice in 2006, where subsequently his application for a Special Permit was denied. Mr. Calhoun feels he has discovered new information that he feels eliminates him from needing zoning relief. Mr. Lacy stated that where no notice of this discussion was given to the abutters of this property, nor the public, the Board did not need to weigh in on this topic. Chairman Chittick stated that with what little he knew of the situation, he did feel a hearing would be needed for the proposed plans for this property. After a lengthy conversation, it was decided that Mr. Egan would need to take the action of denying Mr. Calhoun’s request for a building permit. At that time, should Mr. Calhoun wish to proceed, he could then apply to the Zoning Board of Appeals for relief. The Board would waive the filing fee, but Mr. Calhoun would be responsible for advertising costs.

Mr. Egan asked the Board to give their opinion on where height should be measured from. In his memo to the Board, Mr. Egan explains that a permit holder in Town is constructing a garage and is using the exception that allows construction of a permitted accessory building no closer than six feet to a sideline if it less than fifteen feet in height and 100 feet in setback. The question is does the height need to be measured from pre-construction grade, or from finish grade. After a lengthy conversation, it was decided that Mr. Egan could ask Town Counsel for an opinion.

Minutes for January 30, 2007 – Chairman Chittick moved to approve the minutes as amended for January 30, 2007. Mr. Goedecke seconded the motion, and the vote was unanimous.

Minutes for March 6, 2007 – Chairman Chittick moved to approve the minutes as amended for March 6, 2007. Mr. Goedecke seconded the motion, and the vote was unanimous.

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

Meeting adjourned at 10:50PM.

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

Respectfully submitted,
Barbara M. Power
Clerk