

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

**Others Present:** Attorney Richard Henderson  
Attorney Bruce Issadore  
Attorney Arnold Cohen  
Jennifer Oram, Recording Secretary  
Peter Wood, Stenographer

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

**Housing Partnership Committee - Comprehensive Permit**

Clark Brewer, of the Housing Partnership Committee, addressed the Board and reviewed a list of questions he and his committee had about the comprehensive permit process. Mr. Brewer explained that he and the other members of his committee have been going from Board to Board to introduce themselves, and to learn the processes. He asked the Board various questions in regard to building a 40B project in Town. Mr. Brewer asked the members of the Board to suggest what type of projects they would like to see in the Town. Chairman Chittick explained that the Board could not really express a view, but that obviously the more the project meets various board's criteria, the easier it would be to continue the project. Board member Benjamin Lacy suggested that the committee read 40B. Mr. Brewer thanked the Board for their time, and stated that they all should meet again in the future.

**HEARINGS**

**75 Meadow Lane – (applicants Raymond and Susan Tehranian of 132 Atlantic Ave.). (Appeal of the Building Inspector's decision to grant a building permit for 75 Meadow Lane). #06-121-06 – Sitting wc bp pg**

**65 Meadow Lane – (applicants Raymond and Susan Tehranina of `132 Atlantic Ave.). (Appeal of the Building Inspector's decision to grant a building permit dated 12/11/06, for 65 Meadow Lane) - #06-12-22 – Sitting wc bl bp pg kh**

This was a continued hearing from the previous month. Charles Higginson recused himself from this hearing. Chairman Chittick asked the Council from both sides if the land owner's Attorney, Arnold Cohen, should present first as he filed a brief with exhibits the Friday before the hearing. The applicant's Attorney, Mr. Bruce Issadore, submitted a letter in response to Attorney Cohen the night of the hearing. Attorney Issadore agreed

that Attorney Cohen should open the hearing. Attorney Cohen addressed the Board and reviewed the arguments he presented at the previous hearing of January 3, 2007. Attorney Cohen maintained that Building Commissioner, Robert Egan, was correct in his decision to grant the building permits for both 75 and 65 (61) Meadow Lane. He stated that the Planning Board has approved an ANR for both of these lots, and therefore they are buildable. He stated that Attorney Issadore feels there is an issue of frontage. Attorney Cohen disagrees and feels that the Planning Board could not approve the ANR if there was not significant frontage. In addition to the approved ANR, Attorney Cohen pointed out that Mr. Egan asked for “as built” plans to be presented prior to the permit being granted. Mr. Egan also asked that the home built at 75 Meadow Lane be built conforming.. There was then a lengthy conversation about frontage and the use of Meadow Lane. In essence, Attorney Cohen feels that the owners of the lots have a prescriptive right to access their property. Chairman Chittick then asked to hear from Attorney Issadore.

Attorney Issadore then addressed the Board on behalf of the applicants. He said that it clearly states in the Cohasset Zoning Bylaws that it is the Building Commissioner who would determine if a lot has enough frontage to be considered buildable. After the Inspector makes that determination, if a party feels they have been aggrieved, they can then come before the ZBA. He stated the ZBA is the final arbiter in a situation such as this. Attorney Issadore then reviewed the lengthy history of the division of lots on these properties that he had reviewed at the previous hearing. He went on to say that there is no ruling that states that the ZBA has to support an ANR. In summary, Attorney Issadore stated that Mr. Ross, the owner of the properties, was fully aware of all of the legal issues surrounding this property before he purchased them. He stated that Mr. Ross had actually loaned funds to the previous owners, Meadow Lane Realty Trust. Attorney Issadore went on to say that he did not know why Mr. Ross knocked down the home on the property, but he did so on his own volition, and therefore he must deal with the consequences.

Chairman Chittick thanked both parties and asked if anyone in the audience would like to speak. Attorney Wayne Denssion, representing Paul and Michele Antico, of 124 Atlantic Avenue, read a portion of the court’s decision on access and use of Meadow Lane. He stated that the Tehranians had a deeded right for use, and that the Dean’s only had a prescriptive right, and the two were very different and should not weigh in on the Board’s decision. Julia Reamaki ,of 130 Atlantic Avenue, stated the road is too narrow for additional use and that with all of the construction, trucks etc. are driving on to her property. Mr. John Dean, the former owner of the property, addressed the Board and once again reviewed the history of the subdivision plans he received in 1987.

Building Inspector Bob Egan reviewed his position once again and stated that it too related to 65 (61) Meadow Lane. He stated that he felt that either way the owner’s use the lots, he felt the outcome was the same; three lots, with two dwellings built on them.

Chairman Chittick moved to close the hearings on both 75 and 65 (61) Meadow Lane. Mr. Goedecke seconded the motion and the vote was unanimous. A draft decision will be deliberated at the March 6, 2007 hearing. Chairman Chittick will draft the decision.

**449 Jerusalem Road – (Taja Realty Trust) (Seeks to construct a two car garage within the side setback) – Variance - §5.3.1 - #07-01-09**

The owner of this property, Mr. Pappas/Taja Realty Trust, addressed the Board along with his architect, Mr. Gregory Sardana, of Office DA Architects in Boston. The applicants were before the Board seeking a Variance to allow them to build a two-car garage within the setback. Mr. Sardana submitted to the Board additional plans, as well as their responses to the list of criteria required for a Variance. Chairman Chittick explained to the applicants that Variances are very difficult to receive, and even more difficult to stand up in court. He stated that not granting the applicants a garage would not pose a hardship to them, nor was their home unique to the area it is located in. He explained that, albeit at a very high cost, the applicants could remove ledge and make the garage conforming. The applicant responded stating that everyone drives a car today, and that he does feel it is a hardship not having a garage to park his car in. Mr. Chittick explained that Mr. Pappas knew what the property consisted of when he purchased it, and therefore he had created his own hardship. Mr. Pappas stated that the person that would be most aggrieved by the addition of a garage, their direct neighbor, had already granted them an easement to infringe upon their lotline. The Board asked if the applicants could site any examples of Variances that had been granted in similar situations. The applicants could not. Mr. Lacy then read the recommendation of the Planning Board in which they unanimously denied the granting of the Variance. **Mr. Lacy then moved to close the hearing. Chairman Chittick seconded the motion, and the vote was unanimous. Mrs. Power will draft the decision.**

**DELIBERATIONS**

**22 and 34 Bancroft Road (Vincent and Tracy Longo) - §8.3 (Appeal/Special Permit §8.8 of Building Inspector's Decision). #06-10-26 – Sitting wc ch pg – Chittick**

Attorney Richard Henderson asked the Board to continue the hearing until the March Hearing. He stated he would file an additional letter granting an extension, as well as additional exhibits and documentation in regard to the case.

**3 Stanton Drive – (Elizabeth Keefe) - §15 (Accessory Dwelling) – SP - #06-12-07- Sitting – wc pg bp ch – Goedecke.**

Mr. Goedecke reviewed his draft decision with the Board. **Chairman Chittick moved to approve the decision granting a Special Permit for an accessory dwelling. Mr. Higginson seconded the motion, and the vote was unanimous.**

**698C Jerusalem Road (Carol Graham) - §8.7 (construct a second story addition) –  
SP - #06-12-11 – Sitting w/ bp ch pg - Higginson.**

Mr. Higginson reviewed his draft decision with the Board. **Chairman Chittick moved to approve the draft decision granting a Special Permit with conditions. Mrs. Power seconded the motion, and the vote was unanimous.**

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

**Chairman Chittick moved to close the hearing. Mr. Lacy seconded the motion, and the vote was unanimous.**

Meeting adjourned at 11:20PM

Respectfully submitted,

Barbara M. Power  
Clerk