

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

**Members Absent:** Kathleen A. Hunter, Clerk  
Susan Kent

**Others Present:** Jennifer Oram, Assistant Clerk

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

**Zoning Board Business**

**March Minutes** – Mr. Benjamin Lacy moved the minutes as amended. Mr. Charles Higginson seconded the motion and the vote was unanimous (3-0, Mr. Peter Goedecke abstained from voting).

**Hearings**

**8 Highland Court (Carr, Lynch and Sandell on behalf of land owner, Rebecca H. Behenna). Seeks to build an addition (front stairs). §§8.7.2, 7.1 and 5.3.1. File #09.04.09**

Chairman Chittick explained that the previous hearing for this property (under application #08.12.15a) was closed without the required information needed for the front stairs. The Board was concerned that the proposed stairs would push the cars parked in front of the house into the street thus narrowing an already extremely narrow road. This raised concerns of safety vehicles etc. being able to gain access to the homes in that area should an emergency occur. Mr. Jim Sandell of Carr, Lynch and Sandell addressed the Board. He presented drawings showing they will be moving the main entrance to the house from the side to the center and the proposed friendship stairs will be built leading to that new entrance. Mr. Sandell showed that the existing stairs are actually closer to the street than the proposed and therefore the stairs won't be encroaching any further, Mr. Sandell showed through two sets of drawings that the cars will be able to park in the same exact location after the construction is completed. After a brief discussion, **Mr. Lacy moved to close the hearing. Chairman Chittick seconded the motion and the vote was unanimous (Chairman Chittick, Mr. Lacy and Mr. Higginson).**

**Zoning Business**

**Heidi Condon/Building Height Interpretation** – The Board discussed the presentation made to the Board at the April hearing by Architect Heidi Condon and Attorney Richard Henderson. After some discussion, the members present agreed that the Board should continue determining building height as it has all along.

**Hearings Continued**

**25 Ripley Road (Wilmarc Charles). Seeks to construct seven condominium units in the existing single family home. Comprehensive Permit, pursuant to Chapter 40B, sections 10-23, as well as a Special Permit under §5.3. File #09.03.13.**

This is a continued hearing. Land Owner, Wilmarc Charles as well as his Attorney Robert J. Barrett and his Engineer, Neil Murphy addressed the Board. At the previous hearing, the Board had given the applicant a verbal list of data requests. The applicant was also given a typed list of these requests after the last hearing. In response, the Board received an incomplete, undated letter from Neil Murphy as well as six sets of new plans on Thursday, April 30, 2009. The Board was provided a complete version of the letter by Mr. Murphy during this hearing on May 5, 2009. Chairman Chittick asked to clarify a few points first. He asked if the frontage on Ripley Road is in fact 19 feet as there was a discrepancy on one of the documents. Attorney Barrett confirmed it was in fact 19 feet. Chairman Chittick also asked if the 41% coverage number included the proposed porches; Attorney Barrett said it did, but he could not confirm that it included the garbage enclosure. Chairman Chittick asked the applicant to provide the Board with those measurements. Chairman Chittick asked if the applicant had filed with the Board of Health. Mr. Murphy stated they had not done so. Chairman Chittick stated they would need to do file very soon as the ruling made by the BOH will weigh heavily in ^ the ZBA's decision. Mr. Goedecke suggested the applicant file for the maximum proposal of 14 bedrooms. Chairman Chittick asked if the plans the Board currently has show what type of drainage will be in place once the project is built. Mr. Murphy stated that he did not do the plans for the drainage, Sitec did. Mr. Murphy stated that the Board should know that he is not the engineer for the entire project, just a portion of the project. As for drainage, he said the calculations are not exact as this is a work in progress. Chairman Chittick explained that any addition of impervious material could trigger application of the Stormwater Bylaw and therefore the applicant should meet and file with the Town's Stormwater Agent [Norfolk Ram]. The Board then discussed the need for a new site plan. They agreed that much of the information the Board has been requesting could be shown on one new site plan. The Board asked a new plan indicate that there be a minimum of 14 angled parking spaces, and that there be one-way access to the property – entering on Ripley Road and exiting onto Sohier Street. The applicant should consider guest parking as there is concern in the neighborhood about spill over and parking in the surrounding facilities (i.e. the Swim Center and the Library). The new site plan should also show the plans for screening/landscaping, and should leave enough room for a fence to be built on the edge of the property line if required. The new plan should also show the lighting and building exterior. Mr. Goedecke stated that the list of waivers required from the Board could be submitted with the new site plan.

In regard to other requirements, it was decided that the applicant only needs to provide a traffic study should one already exist. ^ Assistant Clerk, Jennifer Oram, will contact National Grid to confirm the cost, responsibility and feasibility of moving pole #14 from one side of Sohier Street to the other, per request of Captain Trask of the Fire Department. The applicant should file with the Design Review Board. Measurements should be put onto a set of plans and signed by a registered engineer. Chairman Chittick reminded the applicant that he will need to present the Board with the background and names of both his contractor and developer. Chairman Chittick read aloud the portion of the Mass Housing letter addressed to the applicant and dated November 17, 2008 which says "The Municipality is concerned with the level of development experience you have. You have indicated that you will work with an experienced contractor and an experienced developer. Please be prepared to discuss in detail at the public hearing who these individuals are and what level experience they have". Chairman Chittick stated the applicant will need to provide the Board with this information prior to the hearing being closed. In addition, the Board stated that a plan for snow removal will be required at some point during the hearing process. Finally, the applicant does not have to submit anything in regard to lead testing.

The meeting was then opened to the audience. Mr. Paul Hart of 63 Sohier Street asked if the applicant was required to state the relief he was seeking and if so, when would the public be able to see it. Chairman Chittick stated that the applicant did need to provide a list of the requested waivers and when

he does so it will be open to the public. The Board asked Building Inspector, Robert Egan, if a project this size would trigger ADA requirements. He stated that he did not think so but will look into it before the next hearing.

Chairman Chittick asked if the applicant could provide what has been requested by the Board's next hearing on June 3, 2009. He stated that it would be in the applicant's best interest to get his plans before the required Boards and Committees to help move the permit process along. Attorney Barrett stated that they would meet and determine what could be done when and would provide Ms. Oram with a timeline.

Chairman Chittick asked Mr. Charles if he wished to say anything. Mr. Charles stated that he felt the Board had what they needed before them. He said that he has owned the property for two years and had hoped that everyone would work with him and now he is just waiting for a final decision. Chairman Chittick reiterated that the Board can't move forward without final plans and the "ball" is now in Mr. Charles' court. The sooner the applicant meets with the other Town Boards, the sooner the Zoning Board can move forward. **Chairman Chittick moved to continue the hearing to June 3, 2009. Mr. Lacy seconded the motion and the vote was unanimous 3-0 (Chairman Chittick, Mr. Lacy and Mr. Higginson).**

**Deliberations**

**17 Sohier Street (filed by Diarmuid and Elizabeth O'Connell of 25 Sohier Street). Appeal of the "Building Inspector's failure to grant enforcement" per the applicant's request. File #08.12.22.**

The Board reviewed the bullet points Chairman Chittick drafted. After a lengthy discussion, the Board decided to further deliberate this application at the June meeting.

**Mr. Lacy moved to adjourn. Mr. Higginson seconded the motion and the vote was unanimous.**

Meeting adjourned at 10:30PM.  
Respectfully submitted,  
Jennifer Brennan Oram  
Assistant Clerk, Zoning Board of Appeals