Zoning Board of Appeal Minutes
January 19, 2012

Zoning Board of Appeal meeting opened by Chairman Sherman Epro at 7:30 pm.

Members present: Sherman Epro, Orlando DiGiampietro, Jerry Savage, Gary Ilacqua, Robert O'Regan, Dan Pessia, Tom Carter and John Malloy.

Also present was Mr. Tom McGrath, Building Commissioner.

Case #4049, 16 Sofia Road, Variance

Mr. O'Regan read the public notice. There was no correspondence from Town Departments.

Motion made by Mr. O'Regan, seconded by Mr. Savage to open the public hearing and waive reading the list of abutters and take the answer question 9 into the record as written in the application. Unanimous.

Present: Mr. James Mulkern requesting a variance for an entry/foyer. He has a cape style home and wants to add a 5x10' bump out with a 2x6' overhang at the main entry of the house.

Mr. O'Regan asked where the line of setback exists.

Mr. Mulkern said it should be on the engineering site plan with the other documents.

Mr. O'Regan asked for the line where the house sits now.

Mr. Mulkern pointed out the setback line.

Mr. Epro – So he's looking for a variance from the 35 ft required.

Mr. DiGiampietro said the existing house does not comply. Should it be Section 6? Mr. O'Regan said no because it does make it more non-conforming.

Mr. Epro asked if any public comment and there was none.

Mr. Tom McGrath, Building Commissioner-All buildings in the general area are non conforming. Several seem to have projections in the front.

Motion made by Mr. Savage to prepare a draft decision to grant the variance as requested. Seconded and unanimously voted.

Case #4050, 253 Poskus Street, Gibson – Special Permit for Temporary Additional Living Area.

Mr. O'Regan read the public notice. There was no correspondence. Motion made by Mr. O'Regan to open the public hearing, waive reading the list of abutters and take answers to

question 8 into the record as written in the application. Seconded by Mr. Savage. Unanimously voted.

Present: Mr. Donald Gibson requesting a special permit for an in-law apartment for his father who is disabled. Nothing is changing on the outside. All work will be inside the existing structure.

Mr. O'Regan asked if the area for the special permit is lower level? Mr. Gibson said yes.

Mr. Savage asked if there are 2 means of egress? Mr. Gibson answered yes.

Mr. Tom McGrath asked if the door leading outside is to grade? Mr. Gibson said No…

Mr. DiGiampietro asked what is in the utility room? Mr. Gibson answered washer, dryer, furnace.

Mr. Epro asked if there is town water and sewer? Mr. Gibson said yes.

Mr. Pessia asked if applicant's father is wheelchair bound? Mr. Gibson said no, he uses a cane.

There were no questions from the public.

Motion made by Mr. O'Regan to draft a decision to grant the special permit as requested in the application. Seconded by Mr. DiGiampietro. Unanimously voted.

<u>Case #4051, 210 Plain Drive, Cain – Variance/Section 6 Finding for sunroom & garage addition</u>

Members present for this case: Mr. Epro, Mr. DiGiampietro, Mr. Savage, Mr. O'Regan, Mr. Ilacqua. Designated Alternate: Mr. Malloy. 2nd Alternates: Mr. Pessia, Mr. Carter.

Mr. O'Regan read the public notice. Attorney Barry Crimmins presented an Affidavit of Agency to him dated December 19, 2011. No correspondence from Town Departments. Mr. O'Regan said we have a hand-delivered letter which appears to be a transmittal letter from Mr. Crimmins dated Dec. 19, 2011. Mr. O'Regan made a motion to open the public hearing, waive reading the list of abutters and take answers to question 8 into the record as written in the application. Seconded by Mr. Savage and unanimously voted.

Present: Attorney Barry Crimmins and Mr. Stephen Whitney, Whitney Construction

Attorney Crimmins distributed a proposed decision draft and handed to members for their consideration. He explained his request for a Section 6 finding in this case located on Plain Drive. The addition is for a sunroom and 2 car garage. The proposed addition would result in a front yard setback of 20 ft for the garage and 32 ft for the sunroom. They would be increasing

the non conformity, but propose that increase is not substantially more detrimental to the neighborhood.

Attorney Crimmins said the front yard is the only place the garage could be located, there is no room on either side of the house. So they are maintaining all of the setbacks on the property with the exception of the front yard. Also there is no sight line issue in this area on Plain Drive.

The addition of the garage and sunroom is primarily for access. The house is a straight ranch; it will make it easier for Mrs. Cain, who may end up in a wheelchair, to gain access to the house.

The request is that the board render a Sect. 6 finding that the proposed addition would not result in the non conformity being substantially more detrimental to the neighborhood.

Mr. Epro asked for questions from the board.
Mr. Epro – There is no water plumbed into garage?
Mr. DiGiampietro – Is there a floor drain?
Mr. Tom McGrath, Building Commissioner- He would guess that is a Lally Column.

Mr. Epro – You have steps leading to the vestibule. Does that mean you are probably going to have to put a ramp there?

Attorney Crimmins – If we have to eventually incorporate a ramp, as you can see there is room to do that. To concur with Mr. McGrath, what you are seeing is a lally column in the corner of the garage.

Mr. Epro – The house is a ranch. If she's wheelchair bound, the sunroom will be a flat surface. Access will be straight in, yes? Mr. Epro – drop garage, drive in this way (front). Will you pave front of garage? Attorney Crimmins-yes.

Mr. Pessia questioned the driveway. If he paves in front of the driveway, the end of the driveway will be 10-12 feet from the property line. He also mentioned having to put in a curb cut.

Attorney Crimmins showed pictures and there's no curb there.

Mr. Epro – Will the circular driveway stay?

Steve Whitney– Probably eliminate it. Mr. Epro – so you'll only have a driveway to the garage.
Motion made by Mr. O'Regan to draft a decision to grant Section 6 Finding as requested by the application. Seconded by Mr. Savage. Vote: Unanimous.
Attorney Crimmins will email draft decision to office.

<u>Case #4052, 713 Washington Street, Ray Stemmle, Special Permit Fast Order Food Pizzeria</u>

Members present for this case: Mr. Epro, Mr. DiGiampietro, Mr. Savage, Mr. O'Regan, Mr. Ilacqua. Designated Alternate: Mr. Carter. 2nd Alternates: Mr. Pessia, Mr. Malloy.

Mr. O'Regan read the public notice. Mr. Ray Stemmle was present. He said Mr. Michael Lunacello has given his permission.

Motion made by Mr. O'Regan to open the public hearing and waive reading the list of abutters and take answers to question 8 into the record as written in the application. Seconded and unanimously voted.

The request is to do business as is. The establishment is not to be changed. Everything is the same. He bought Main Street Pizza.

Mr. O'Regan – will you be happy with the same special permit as the previous business? Is it your idea to take over the business exactly as is? Will you be happy with the special permit as is? There is nothing you want to change?

Mr. Stemmle – No.

The previous application was renewed to December 2012.

Mr. Ilacqua – Do you have an existing restaurant?

Mr. Stemmle – I ran a pizza business on Martha's Vineyard for 20 years.

Mr. John Anzivino, in the audience as a citizen, stated the Board of Selectmen met with Mr. Stemmle and he is here to support. This establishment has a special permit for take-out. Mr. Stemmle had to come before the Zoning Board as the permit is non-transferable.

A variance goes with the property and a special permit runs with ownership.

Motion made by Mr. O'Regan to draft a decision to grant the special permit as the special permit for Case #3983 and made applicable to Case #4052. The expiration date for this permit is December 31, 2013. Seconded by Mr. Savage. Unanimous.

<u>Decisions</u>

Case #4039 - 2 Canton Street
Motion made by Mr. DiGiampietro to accept the decision as written. Seconded by Mr. O'Regan. Voted unanimously in favor.

Case # 4040 – 1270 Washington Street
Motion made by Mr. Ilacqua to accept the decision as written and Mr. Ilacqua be added and Mr. Epro removed from the decision. Seconded by Mr. DiGiampietro. Unanimously voted.

Case # 4046
Motion made by Mr. DiGiampietro to accept the decision as written. Seconded by Mr. Ilacqua. Unanimously voted.

Case # 4047 – Piazza
Motion made by Mr. Ilacqua to accept the decision as written. Seconded and unanimously voted.

Case # 4048 Section 6 Finding
Motion made by Mr. DiGiampietro, seconded by Mr. Ilacqua to accept the decision as written. Unanimously voted.

Minutes

November 17, 2011
Motion made by Mr. DiGiampietro, seconded by Mr. Savage to accept the minutes as written. Unanimously voted.

November 3, 2011
Motion made by Mr. DiGiampietro, seconded by Mr. Ilacqua to accept the minutes as written. Unanimously voted.

May 19, 2011
Motion made by Mr. DiGiampietro, seconded by Mr. Ilacqua to accept the minutes as written. Unanimously voted.

October 20, 2011
Motion made by Mr. DiGiampietro, seconded by Mr. O'Regan to accept the minutes as written. Unanimously voted.

Meeting adjourned at 8:39 pm.