

7:08 p.m. meeting opened. The Hall, 2<sup>nd</sup> Floor, Memorial Hall Library, Elm Square.  
Present were: Anderson (Chair), Batchelder (Clerk), Ranalli, Brown, Baime  
Also present was Town Counsel Attorney Thomas Urbelis.

Petition No: 3819  
Petitioner: Desharnais  
Premises Affected: 129 Summer Street

Roland Desharnais represented himself & his wife in their request to construct a new single-family dwelling on a lot with insufficient area & frontage, as well as to occupy the existing dwelling until they receive a Certificate of Occupancy to occupy the new dwelling. The existing would be razed after the Certificate of Occupancy is issued. Petitioner explained that the existing house is old and it is not feasible to bring it up to code. The new house will meet setback requirements, while the existing does not. Neighboring houses have lesser front setbacks than the proposed 55' front setback. The existing house is approximately 1300 sq. ft., yet the second floor is unheated & used for storage. The proposed house would be 2300 sq. ft. They have spoken with neighbors. No one voiced opposition. Desharnais explained that he bought a rear parcel through public auction from the Town & combined it with the front lot by filing an ANR plan with the Planning Division & Registry of Deeds. The Board waived a site view. Ranalli made a motion to close the public hearing. Anderson seconded the motion & the Board voted (5-0) to close the hearing. The Board then deliberated. Brown noted that it fulfills the requirements for a special permit under 3.3.7 and made a motion to grant the special permit. Batchelder seconded the motion & the Board voted (5-0) to grant the special permit. Ranalli will write the decision.

Petition No: 3820  
Petitioner: RK Trust  
Premises Affected: 7 Connector Road

Eugene Sullivan, engineer, represented the petitioner's request for a variance from 4.1.2 to construct a 29,000 sq. ft. warehouse addition in the Industrial A district that will not meet the side setback. He noted that the Board had previously granted a variance & extension for exactly the same addition, but that they had expired before they had Planning & Conservation approval. They are ready to build now. The only change since the original variance, shown in the plan submitted for the extension, is the footprint decreased. One corner of the addition was cut-off (from 90° to 45°). Sullivan asked for an expedited decision & submitted a draft decision if the Board approves it. Brown made a motion to close the public hearing. Batchelder seconded the motion & the Board voted (5-0) to grant the variance. Anderson reminded Sullivan that it is good for one year with one 6-month extension. Brown made a motion to approve the variance with the plan, as before. Batchelder seconded the motion & the Board voted (5-0) to grant the variance. Brown will write the decision.

Petition No: 3803

Petitioner: Taylor Cove Condominiums (40B)

Premises Affected: 0 + 86 River Street, 15R Charlotte Drive

Present were: Anderson (Chair), Brown, Batchelder (McDonough absent)

This is a continued public hearing. Attorney Borenstein consented to proceed with a 4-member Board & to waive the reading of the legal notice. Borenstein asked the Board to act on the project as proposed, including Parcel A. He explained that it is not feasible to revise or exclude Parcel A. Batchelder made a motion to close the full 40B hearing. Brown seconded the motion & the Board voted unanimously to close the hearing. The Board then proceeded to deliberate. Anderson outlined the grounds for denial: it is a unified project, partially denied based on inclusion of Parcel A, without which the applicant doesn't want to proceed. Brown made a motion to deny the project based on the grounds outlined by Anderson. Batchelder seconded the motion. Brown asked for the decision to make it clear that the denial is based on legal arguments pertinent to excluding Parcel A solely and is not a reflection on the project's design. Anderson added that the denial is not on the merit of the project and that last month's motion for partial denial is combined with the current motion for full denial. The Board voted unanimously to deny the project in full. Anderson will write the decision.

Petition No: 3822

Petitioner: Paul K. Butt Builder

Premises Affected: 10 Bailey Road

Mark Johnson, Esq., represented Mr. Butt's request for a variance from Section 4.1.2 to construct a single family dwelling in the SRC District that would not meet the minimum side setback. Also present on behalf of Mr. Butt was Steven Stapinski, engineer. Johnson argued that the hardship is related to substantial wetlands coverage, which has increased over the years. Stapinski explained that they have spoken with Conservation Commission, who advised them to appear before the ZBA. The proposed house will be 2 stories with a total floor area of 3600 sq. ft. Mr. Butt purchased the lot in 2001. Stapinski explained why the wetlands have increased, including the effects of beavers & the changes I delineation and that the uplands are located at the rear of the lot, but are encumbered by the 75' no build zone. Anderson noted for the record a memo from Conservation Agent Linda Cleary in which she wrote that the Commission is not prone to grant relief under the local wetland by law. John Perry, 7 Bailey Rd. – abutter across the street, voiced concern over an increased water table encroaching into his lot if a house is built at #10. He asked that the house be built to minimize impact on the water table. Batchelder asked whether the Cons. Comm. confirmed the wetland line. Stapinski stated that the State confirmed it. Johnson explained that they have an Order of Conditions under the Wetlands Protection Act, not the local by law, but still need to file under the local regulations. Anderson asked them to finalize things with Conservation and then come back to the Board. Johnson agreed to give the Board an extension to act on their petition. Anderson suggested reducing the encroachment into the side setback. Brown commented that a topographic hardship may be found and that no plans for the house were submitted, but are an application requirement. Anderson suggested a general

continuation with an extension to act after Conservation Commission has made a decision. Johnson agreed to grant an extension & will submit a letter with a specific date. Brown made a motion to continue the hearing to a date to be specified after Conservation makes a decision. Batchelder seconded the motion & the Board voted (5-0) to continue the hearing. Anderson noted that they will need to renotify abutters. Johnson agreed to pay for the notice.

Petition No: 3821

Petitioner: Barone

Premises Affected: 95 Central Street

Anderson disclosed that one of his children played hockey with some of the people present for this hearing. No one objected to Anderson's participation in the hearing. Brown disclosed that Attorney Ross, was his client two years ago, but has had no dealings with him since then. No one objected to Brown's participation in the hearing. Attorney Paul Ross, represented Ms. Barone's request for a variance &/or special permit to reconstruct a single-family dwelling that would not meet minimum setbacks on a lot with insufficient area. Ross explained that the house was damaged by a burst water pipe on the second floor after Petitioner bought it in the spring of '08. Because the house was built in 1948, Ross argued that the additions will meet setbacks pursuant to section 4.1.3.e (corner lots only need to meet the front setback on one way, in this case Central Street). The driveway will be moved to Marion Avenue to the new garage. Architect Gerard Polcari answered questions from the Board regarding the height, roof pitch & overall design of the proposed house. Polcari explained that due to the water damage and concern for mold & mildew danger, as well as the fact that the house was built prior to the State Building Code, they wish to rebuild it to avoid any health concerns & to bring it up to code. They will use the existing foundation. Brown suggested modifying the plan to bring the proposed garage/addition further away from Marion Avenue, in line with the existing house. Brian Allen, 97 Central St., spoke in favor of the proposal. Chris O'Reilly, 93 Central St., informed the Board that Marion Avenue was built after the house & also voiced his support. The Board waived a site view. Ranalli made a motion to close the public hearing. Batchelder seconded the motion & the Board voted unanimously to close the hearing. They then proceeded to deliberate. Batchelder voiced concern with the proposed setback from Marion Avenue. Anderson reminded the Board that Section 4.1.3.e covers the setback from Marion Avenue. Brown suggested granting a special permit with the condition that it be no closer than the existing house to Marion Ave. Anderson agreed and made a motion to grant a special permit from 3.3.5 & 3.3.7 with the condition that no portion of the reconstructed house be any closer to Marion Avenue than the façade of the existing house. Brown seconded the motion. The Board voted (5-0) to grant the special permit with condition. The variance is denied as moot. Baime will write the decision.

The Board then discussed a new format for the legal notices.

Brown made a motion to adjourn the meeting. Ranalli seconded the motion & the Board voted unanimously to adjourn the meeting. The meeting adjourned at 8:26 p.m.