

Zoning Board of Appeals Meeting Minutes

Date: August 24, 2020

**Members in Attendance: D Jackowitz,
K Durrane, J Maguire, G Lewis,
R Steckbeck, C Therrien, J Makofsky**

Absent: M. Lynch

Location of Meeting: Zoom Virtual Meeting

Time Called to Order: 5:35 PM

Time Adjourned: 8:32 PM

Time: 5:37 PM

Location of Subject Property: 2 Ridge Avenue

Map and Lot: 33:7&8

Case: #2020-024

Relief Requested: Section 6 Finding

Continued Dates: 12/16/2019 to 01/21/2020

Sitting Members: D Jackowitz, R Steckbeck, G Lewis, C Therrien, K Durrane

Action: Motion by Ms. Durrane to withdraw without prejudice. The Motion was seconded by Mr. Lewis. All in favor via roll call vote.

Time: 5:37 PM

Location of Subject Property: 5 Phillips Street

Map and Lot: 64:30

Case: #2020-028

Relief Requested: Section 6 Finding

Sitting Members: D Jackowitz, J Makofsky, R Steckbeck, K Durrane, G Lewis

Summary of Discussion:

Jason LaGorga is the architect for this project.

David Jackowitz (DJ) and Mr. LaGorga discuss the setbacks on the application. Mr. LaGorga explains that he did not include a side yard setback on one side because it is an attached duplex.

Mr. LaGorga adds that this is a single story addition to mirror the addition that was added on the attached unit.

DJ fees this is a modest addition in his opinion.

No abutters are present.

DJ feels this addition is not substantially more detrimental and opens up questions from the Board.

Katherine Durrane (KD) wants to know what the owners of the attached unit think about this addition.

DJ says that issue is not for the Board to discuss.

Mr. and Mrs. Ostrow, applicants, explain they have a great relationship with the neighbors in the attached unit and they are ok with this addition.

DJ goes over the storm water comments.

Jason Makofsky (JM) makes a motion to approve.

KD seconds the motion.

Action: Motion by Mr. Makofsky to approve. The motion is seconded by Ms. Durrane. All in favor via roll call vote.

Time: 5:51 PM

Location of Subject Property: 22 Grove Road

Map and Lot: 21:20

Case: #2020-029

Relief Requested: Section 6 Finding

Sitting Members: D Jackowitz, J Makofsky, C Therrien, K Durrane, G Lewis

Summary of Discussion:

Amy Smith is the applicant and present for the meeting. She is requesting a finding in order to construct an addition.

The Board and Ms. Smith address and error on the checklist.

David Jackowitz (DJ) explains to Ms. Smith that the role of the Board is to determine whether or not the proposal is substantially more detrimental. He asks Ms. Smith if she has spoken to any neighbors regarding her plans.

Ms. Smith says she has and that they are in favor. She also adds that this addition would give her a full third bedroom which she and her growing children need.

Jeanne Ostroff, 18 Erlandson Road, says that while she's not a direct abutter, she walks by the area all the time and feels this would be a great addition. Also confirms that neighbors are in favor.

DJ goes over with Ms. Smith that this needs storm water mitigation.

DJ asks if there are any questions from the Board.

No Board questions.

Jason Makofsky (JM) makes a motion to approve with the condition that storm water must be infiltrated.

Katherine Durrane (KD) seconds the motion.

Action: Motion by Mr. Makofsky to approve finding with conditions. The motion is seconded by Ms. Durrane. All in favor via roll call vote.

Time: 6:02 PM

Location of Subject Property: 9 Ridge Avenue

Map and Lot: 33:9

Case: #2020-030

Relief Requested: Section 6 Finding

Sitting Members: D Jackowitz, J Makofsky, C Therrien, K Durrane, G Lewis

Summary of Discussion:

Andrew Willard is the applicant and present at the meeting. He is requesting a finding in order to demolish the existing single family home and construct a new single family home.

Don DiRicco, architect, is also present at the meeting.

Katherine Durrane (KD) suggests she removes herself due to personal familiarity with the proposal.

David Jackowitz (DJ) asks KD and Mr. Willard if they both feel comfortable with KD being a voting member.

They both agreed and KD can sit as a voting member.

DJ explains that this is completely zoning compliant with the exception of area and frontage.

DJ asks if there are any abutters or questions from the Board.

There are no abutters.

Jason Makofsky (JM) is impressed with the design. He was originally concerned with the footprint, however, since it's only one story, it is a great proposal.

JM makes a motion to approve.

KD seconds.

Action: Motion by Mr. Makofsky to approve. The motion is seconded by MS. Durrane. All in favor via roll call vote.

Time: 6:09 PM

Location of Subject Property: 47 Beverly Road

Map and Lot: 15:62

Case: #2020-033

Relief Requested: Section 6

Sitting Members: D Jackowitz, J Makofsky, M Lynch, K Durrane, G Lewis

Summary of Discussion:

Peter Haranas is the attorney for the client and is present for the meeting. His client is requesting a finding in order to demolish the existing single family home and construct a new single family home.

David Jackowitz (DJ) asks if he received the department letters.

Mr. Haranas says he has received them and any concerns have been remedied.

DJ feels this is a relatively modest proposal.

Mr. Haranas mentions that there is some neighborhood concern about work hours and his client has agreed to be sensitive to those concerns.

Jason Makofsky (JM) makes a motion to approve with the condition that roof runoff must be infiltrated.

Katherine Durrane (KD) second.

Action: Mr. Makofsky makes a motion to approve with conditions. The motion is seconded by Ms. Durrane. All in favor via roll call vote.

Time: 6:13 PM

Location of Subject Property: 7 Clifton Road

Map and Lot: 33:17

Case: #2020-034

Relief Requested: Section 6 Finding

Sitting Members: D Jackowitz, J Makofsky, G Lewis, K Durrane, C Therrien

Summary of Discussion:

Brian Keane is the applicant and present for the meeting. He is requesting a finding in order to demolish the existing single family home and construct a new single family home.

David Jackowitz (DJ) goes over the checklist and asks if there are any abutter present.

Hearing none, DJ asks if there are any questions from the Board.

Jason Makofsky (JM) points out that the project perfectly complies with the exception of five feet of frontage.

Geoff Lewis (GL) think that the project is well designed and is straight forward.

JM makes a motion to approve with the condition that roof runoff must be infiltrated. CT Second.

Action: Mr. Makofsky makes a motion to approve with conditions. The motion is seconded by Ms. Therrien. All in favor via roll call vote.

Time: 6:20 PM

Location of Subject Property: 82 South Main Street

Map and Lot: 51:335

Case: #2020-035

Relief Requested: Section 6 Finding

Sitting Members: D Jackowitz, R Steckbeck, G Lewis, J Makofsky, K Durrane

Summary of Discussion:

Peter Bemis is the applicant and present at the meeting. He is proposing to do a small addition which will in turn lower lot coverage.

There was a discrepancy with regard to lot coverage which was corrected.

David Jackowitz (DJ) feels that this is a modest proposal compared to previous proposals for this property.

Mark Pojman, 87 South Main Street, feels that this single family home is a great addition to the neighborhood as opposed to what is currently there.

DJ adds he is happy that the applicant opted for the single family.

Jason Makofsky (JM) makes a motion to approve with the condition that the applicant must infiltrate the roof runoff. Katherine Durrane (KD) second.

Action: Mr. Makofsky makes a motion to approve with conditions. The Motion was seconded by Ms. Durrane. All in favor via roll call vote.

Time: 6:33 PM

Location of Subject Property: 10 Otis Street

Map and Lot: 15:84

Case: #2020-036

Relief Requested: Permission to allow two houses on one lot during construction

Sitting Members: D Jackowitz, R Steckbeck, G Lewis, J Makofsky, K Durrane

Summary of Discussion:

Steven Yurewicz is the applicant and present for the meeting. He is requesting permission to allow two houses on the same lot during construction. Currently, there is an existing home at the rear of the lot.

The homeowners are putting a modular home at the front of the lot, by right, but wish to live in their current home while the modular home is being installed.

Jason Makofsky (JM) and Mr. Yurewicz have some discussion about the logistics of granting a special permit and work out how long the rear house can stay after the modular home has been placed. They agreed on sixty (60) days.

JM makes motion to grant the Special Permit in order to allow for two homes to be placed on the same lot while the modular home is being installed with the condition that once the certificate of occupancy has been issued for the modular home, occupancy for the existing home in the rear will terminate. The existing house in the rear will need to be demolished within sixty (60) days of the issuance of the certificate of occupancy for the modular home. Geoff Lewis (GL) second.

Action: Mr. Makofsky makes a motion to grant the Special Permit with conditions. The Motion was seconded by Mr. Lewis. All in favor via roll call vote.

Time: 6:46 PM

Location of Subject Property: 28 Sherman Street

Map and Lot: 44:228

Case: #2020-037

Relief Requested: Section 6 Finding

Sitting Members: D Jackowitz, R Steckbeck, G Lewis, C Therrien, K Durrane

Summary of Discussion:

Paul Griffin is the applicant and is present for the meeting.

George Richards is the attorney and is present for the meeting. The applicant is proposing to demolish the existing single family home and construct a two family home.

David Jackowitz (DJ) points out that they are only here for frontage and asks if there are any abutters. Charles York, 12 Grant Street, calling because his 94 year old mother, Margret, lives at 30 Sherman Street. She has some concerns, mainly that there is a right of way behind their lot.

DJ explains that is not in the Board's purview, but doesn't see any and it is between the developer and neighbor.

Mr. York also has concerns about maple trees that are on the property line which his mother would like to keep.

Mr. Griffin states that the trees will remain and an arborist will be hired to trim branches.

Mr. York is happy that the consideration has been made and would like to applicant to further consider that the direct abutter is 94 years old.

Mr. Griffin says that they have met and will not do anything to upset her.

Jason Makfosky (JM) wants to confirm grading plan is what is on the actual plan.

Mr. Griffin confirms that is the plan.

Margaret York, 30 Sherman Street, logged into the Zoom call and DJ restates what happened earlier in the meeting.

Mrs. York explains that this property has always been referred to as 26 Sherman Street and is confused about the right of way.

Mr. Griffin says that the houses will be numbers as 26 and 28 Sherman Street.

Mrs. York is concerned the new house will be too close to hers.

DJ explains that the new house will be 12 feet from the property line and there should be roughly 25 feet between her home and the new construction.

Mrs. York is also concerned with the size of the homes. Wants to know if the homes could be pushed back more from the street.

DJ refers to the plans and explains to Mrs. York that the new home is being pushed back 11 feet from where the current home is.

Robert Steckbeck (RS), says that there is currently a lot of space from Mrs. York's house and this lot. He thinks the new house will tower over Mrs. York's house and be much closer as well.

DJ asks what the other members of the Board thinks.

Geoff Lewis (GL) says he did visit the site and most of it is compliant with Zoning, but feels that this will overwhelm the lot and abutter.

Katherine Durrane (KD) agrees with GL.

JM understands the want for new buildings and believe that 2-2 ½ stories fires in the neighborhood.

Mr. Griffin explains that this project is almost identical to what was constructed directly across the street.

Christine Therrien (CT) believes it would be beneficial if the trees could be maintained.

DJ believes the house can work and encourages the applicant to work to reduce the bulk of the structure and work with Mrs. York to remedy her concerns.

Mr. Griffin explains that each unit is only 30 feet wide. He feels that taking two feet off of each unit would not make a difference.

Mr. Richards asks if there could be more plantings to help soften the mass.

Mr. Griffin also states that during the Board of Health visit, test holes determined the location of the house.

RS asks if the height could be lowered.

Mrs. York points out that there are also water problems in that area of Town.

Mr. Richards requests a recess to have his client speak with Mrs. York and her son to try to remedy concerns during the meeting.

Action: Recess Granted.

Time: 7:31 PM

Location of Subject Property: 15 Lookout Avenue

Map and Lot: 49:180B

Case: #2020-038

Relief Requested: Section 6 Finding

Sitting Members: D Jackowitz, R Steckbeck, G Lewis, J Makofsky, K Durrane

Summary of Discussion:

George Richards is the Attorney for applicant and is present for the meeting. The applicant is requesting a finding in order construct an attached garage.

Charles Kraus is the architect and also present for the meeting.

David Jackowitz (DJ) says that the lot is very much non-conforming, however, this is a very modest addition. He asks how many units are in the structure.

Mr. Richards confirms there are two units. 15 and 17 Lookout Avenue.

Hearing no abutters or Board comments, Jason Makofsky makes a motion to approve.

Action: Mr. Makofsky makes a Motion to approve. The Motion was seconded by Ms. Durrane. All in favor via roll call vote.

Time: 7:40 PM

Location of Subject Property: 9 Windsor Avenue

Map and Lot: 59:27

Case: #2020-039

Relief Requested: Section 6 Finding

Sitting Members: D Jackowitz, R Steckbeck, G Lewis, J Makofsky, K Durrane

Summary of Discussion:

George Richards is the attorney for the petitioner and is present for the meeting. The applicant is proposing to demolish the existing single family home and construct a new single family home. The only deficiencies are lot size and frontage. Mr. Richards also confirms that his client is aware of the Board of Health recommendations and will implement them.

Jessica Greenwald O'Brien, 19 Windsor Avenue, is concerned that the height will be doubled. She is worried that the increase in height will intrude on the current trees. After speaking with the developer, she understands that some trees will need to be removed, but would like these concerns addressed.

Mr. Richards said his clients are willing to preserve trees to the maximum extent.

David Jackowitz (DJ) confirms that this is a heavily treed site.

Mrs. O'Brien wants to know if an arborist can come to assess trees.

Mr. Richards says that client says only one tree will need to be removed, but all other trees will be preserved. He asks Mrs. O'Brien what kind of trees are currently there.

Mrs. O'Brien says they are maple and oak.

DJ says an arborist will need to develop a plan and share this with the neighbors to eliminate as few trees as possible in accordance with best practices.

Action: Mr. Makofsky makes a Motion with the condition that an Arborist will be hired to preserve maximum amount of trees. The Motion was seconded by Mr. Lewis. All in favor via roll call vote.

Time: 7:55 PM

Location of Subject Property: 36 Pine Street

Map and Lot: 7:68

Case: #2020-040

Relief Requested: Section 6 Finding

Sitting Members: D Jackowitz, R Steckbeck, G Lewis, J Makofsky, K Durrane

Summary of Discussion:

Peter Haranas is the attorney for petitioner and is present at the meeting. His client is requesting a Finding to demolish the existing single family home and construct a new single family home.

David Jackowitz (DJ) asks if there are any abutters present.

Andrew Hinterman, 34 Pine Street, says that the proposal is bigger than what is there now. He would be happier if it wasn't as tall.

Mr. Haranas is happy to talk to client about lowering the roof, but it wasn't a consideration they were intending to make.

Mr. Hinterman explains he is happy as is and it is not a request he would like Mr. Haranas to pursue.

Robert Steckbeck (RS) asks why the house is moving to the west.

Mr. Haranas explains that it is due to the driveway.

Action: Mr. Makofsky makes a Motion to approve with the condition that storm water runoff must be infiltrated. The Motion was seconded by Mr. Lewis. All in favor via roll call vote.

Time: 8:04 PM

Location of Subject Property: 28 Sherman Street

Summary After Recess:

David Jackowitz (DJ) asks for an update.

George Richards says that Mrs. York is more comfortable.

Mrs. York says the house will be pushed back further.

DJ asks Board if applicant can put a large buffer, would that change anyone's mind.

Robert Steckbeck (RS) still feels that the house will still be very dominating.

Geoff Lewis (GL) agrees with RS. He would like more info as to why the house cannot be moved back more.

Katherine Durrane (KD) agrees with sentiments, but if it fits code, she has no issue with the proposal.

RS states that just because it fits code, does not mean it is not more substantially detrimental.

Mr. Richards explains that if this lot had 100 feet of frontage, they could build an even larger home by right. He feels that this proposal is reasonable and compliant.

DJ feels everyone is making good points and feels that it is worth it to explore moving the house back.

Jason Makofsky (JM) asks if the house could be moved more westerly towards the other lot and away from Mrs. York.

Mr. Richards is open to that.

RS says he will do a site visit before the next meeting.

An updated plan and plot plan will be needed before the next meeting.

Action: Mr. Makofsky makes a Motion to continue the meeting until September 21, 2020. The Motion was seconded by Ms. Durrane. All in favor via roll call vote.

Mr. Makofsky makes a Motion to approve mast meeting minutes from 4/27/2020, 12/16/2019, 11/18/2019, 10/21/2019 and 9/23/2019. The Motion was seconded by Ms. Durrane. All in favor via roll call vote.

Meeting is adjourned at 8:32 pm.