

## **Zoning Board of Appeals January 8, 2020 Meeting Minutes**

### **Call to Order:**

**Mr. Brian Heath, Chairman, called the meeting to order in the Council Chambers located on the second floor of the Municipal Office building, 66 Central Square, Bridgewater at 7:00pm**

### **Attendees:**

Present: Brian Heath, Chairman, Gerry Chipman, Vice Chair, Anna Klimas, Member

Absent:

Staff Present: Jennifer Burke, Director of Community and Economic Development; Jasmin Farinacci, Executive Assistant

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### **I. 7:00 PM: Public Hearings\***

- 0 Plymouth Street – Use Variance

Present before the Board: Rebecca Baptista, Silva Engineering Associates, Inc.

The applicant has requested a continuance until February 12, 2020.

**MOTION: Member Klimas moves to continue the public hearing until February 12, 2020.**

**VOTE: (3-0-0)**

- 0 Plymouth Street – Appeal of Building Inspector’s Decision

Present before the Board: Rebecca Baptista, Silva Engineering Associates, Inc.

The applicant has requested a continuance until February 12, 2020.

**MOTION: Member Klimas moves to continue the public hearing until February 12, 2020.**

**VOTE: (3-0-0)**

- 48 Samuel Avenue – Special Permit

Present before the Board: Charlie Woodward, Professional Land Survey Associates  
Jim Burke, Attorney

The applicant is proposing to create a retreat lot. The Chuckran family, who owns the property, would like to construct a retreat lot in which the owner’s son may construct a single-family dwelling. Initially the applicant had proposed to the Planning Board a two-lot subdivision and it was recommended to apply for a retreat lot to have less impact on the site.

The property contains 9.5 acres. An agreement has been made with abutting neighbor Mrs. Moore as to the maintenance of the property and keeping in-kind the neighborhood feel of the property. The property is missing 6 feet from being able to create an estate lot for a subdivision. The six feet required for the subdivision lot has since been sold to the Chuckrans' from Mrs. Moore. However, with the requirements imposed by the Planning Board and it became financially unfeasible to create a subdivision lot. With the 6' that was sold it did provide the 30' that was required in order to create the retreat lot for the site. The Conservation Commission has approved an Order of Conditions for the property.

Chairman Heath states that the only issue that requires addressing is the driveways. According to the by-laws there is required to be 25 feet in between each driveway, and it does not appear there is separation between the driveway and the access to the retreat lot. Attorney Burke states that Mrs. Moore utilizes that as access to her existing driveway, but it is owned by the Chuckran family. There is a second dwelling to the rear that appears to only be 17' from the proposed driveway. Chairman Heath states that they can vote on the plan contingent upon the driveway being 25' away from any abutting driveway and a revised plan being submitted to the Community and Economic Development Office.

**MOTION: Member Chipman moves to wave the requirement to read the abutters into the record.**

**VOTE: (3-0-0)**

**MOTION: Member Chipman moves to close the public hearing. Member Klimas seconds.**

**VOTE: (3-0-0)**

**MOTION: Member Klimas moves to grant a Special Permit for 48 Samuel Avenue with the condition that the driveway be constructed 25' away from any other driveway. Member Chipman also requests the condition that a revised plan be presented to the office to show the 25' separation between driveways.**

**VOTE: (3-0-0)**

- Murphy's Landing – Comprehensive Permit

Present before the Board: Rebecca Baptista, Silva Engineering Associates, Inc.

The applicant is proposing a comprehensive permit to construct two separate buildings containing four housing units each, with a total of 32 proposed bedrooms. There have been comments received regarding the tire cleanup for the site as well as utility connections. Ms. Baptista has letters from Hermino and Hermino that the tires have been cleaned from the site. Chairman Heath asks who removed the tires and if there is a letter or proof to show where the tires went. Mr. Murphy states that the tires were sent to a recycling company in Bridgewater but he does not have proof of this at that time. Director Burke asks if the letter from Hermino and Hermino could be wet stamped.

Ms. Baptista states other comments she received were that the water line going in and out of the property should be 8" in and 8" out instead of what is proposed – which is 8" in and 2" out. Murphy's Landing will be giving deeded access to the Town of Bridgewater for the river landing and parking lot once they are constructed. The Board would

like to know who will construct the canoe launch prior to approval being issued. The sewer line from the building shall be gravity fed ending at a private pumping station located on the property adjacent to the town road to be owned and maintained by the Property Association that will tie into the force main. Chairman Heath asks if they could receive a letter from Jonas Kazlauskas that the sewer is acceptable. There is a turnaround on the site for the fire department to utilize in cases of emergency. Member Klimas asks about the flood zone. Ms. Baptista states that the elevation is 11 feet above the highest potential point of flood, which she will double check as they utilized data from FEMA. Ms. Baptista asks if they could be excused from the requirement of obtaining a landscape architect as recommended by the Planning Board and utilize the landscaping shown on the proposed plan. Chairman Heath states he doesn't see an issue with not requiring a landscape architect due to Director Burke's recommendation that the property is set far back from the road and next to Conservation property and does not feel a landscape architect would be necessary.

Member Chipman asks what the details for the canoe launch and parking area would be. Director Burke states that these details will need to be worked out and she could prepare a draft decision with the details as part of the conditions of the decisions. Member Chipman states he feels this is a good project and this is a terrific use of the land.

Present before the Board: Kitty Doherty

Ms. Doherty states that the property is located at an exciting land and water trail in town and this potential launch would be at the top of a 44 mile stretch of water access. Ms. Doherty is in favor of the project.

**MOTION: Member Chipman moves to continue the hearing until the February 12, 2020 hearing. Member Klimas seconds.**

**VOTE: (3-0-0)**

**II. Additional Board Business**

- Minutes to be approved: 11/20/19 & 12/11/19

**MOTION: Member Klimas moves to approve the minutes of November 20, 2019.**

**VOTE: (2-0-0)**

**MOTION: Member Chipman moves to approve the minutes of December 11, 2019.**

- Director's Report, if needed

**III. Adjournment**

**MOTION: Member Chipman moves to adjourn. Member Klimas seconds.**

**VOTE: (3-0-0)**