

Zoning Board of Appeals March 27, 2019 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, Chair; Gerry Chipman, Vice Chair; Anna Klimas, Member, Michael Mainvielle, Member

Absent:

Staff Present: Jennifer Burke, Director of Community and Economic Development

Public Hearings:

40 Lawrence Avenue – Special Permit under Section 5.40 – Zahid Durrani

Chairman opened the hearing and read the Public Hearing Notice into the record. Applicant seeking a special permit filed under Section 5.40 under the Town of Bridgewater Zoning Bylaws to tear down an existing residential structure and replace with a new structure on the property located at 40 Lawrence Avenue, as identified on Assessor's Map 21, Lot 61.

Peter Maroni, construction supervisor, representing the owner/applicant, Zahid Durrani – 1 Birch Street, Bridgewater, MA, addressed the Board regarding the project. Existing structure has fire damage that is beyond repair. Seeking to tear down the structure and establish a new structure with a garage. The new structure will meet all front, side and rear setbacks. Existing structure is lacking frontage and the plan is to move the new house back, providing the required frontage.

The Board reviewed plan showing existing structure overlaid with footprint of the proposed new construction including garage.

Mr. Gerald Chipman, Vice Chair, made a motion to accept the applicant's request for a Special Permit for the removal of a fire-damaged building and proposed new structure citing the reasons that the project would improve the area and still meet the setback requirements and the receipt of an abutter's letter of support. Mr. Michael Mainvielle, Member, seconded the motion. VOTE: All in favor, none opposed.

Public Meetings:

Pratt Town 40B – Modification Request (cont'd from February 13, 2019)

Chairman Brian Heath opened the continued hearing regarding the modification requests from Bridgewater Homes for the remaining structures to be built at Pratt Town 40B development.

Attorney Marion McEtrick representing Bridgewater Homes, LLC addressed the Board seeking approval (starting with the 26th home of the development) to extend the length of each remaining future home to be built by 2' in order to accommodate a larger garage length. The second request was for approval to offer proposed, additional design/style

APPROVED: April 10, 2019

options for these same future homes (Comprehensive Permit allows for additional styles after the completion of the 32nd home is completed).

The Board had requested input from HDCD regarding these changes as to whether they would be in conflict either the 40B Law or 40B regulations and how the new homes would be integrated into the development. The attorney received an opinion from the HDCD program director and General Counsel for HDCD indicating that they agreed both requests were deemed minor modifications and that they could be accommodated under the 40B law.

The Board discussed with the attorney and program coordinator, Jerry Cutter, that proposed changes would all be in Phase II of the project which is separated by a section of wetland/growth in the development from Phase I. The plan for the remaining 31 homes would clearly designate the 40B unit locations. The Board requested that Jennifer Burke review the plans prior to development to ensure acceptable integration of the 40B units.

Michael Mainvielle, Member, asked if there were a ruling on what constitutes a “minor” or “substantial” modification. Attorney McEttrick referred the Board to the 40B Regulations section regarding modifications that states if more than a 10% change, it would be considered a substantial modification but that the Board has the discretion on whether to following these guidelines.

Gerald Chipman, Vice Chair, made a motion, based on the information from HDCD, that we consider the modifications minor without the need for a new public hearing with the condition that Jennifer Burke and staff review all architectural renderings prior to the building permits being issued. Ann Klimas, seconded. VOTE: All in favor, none opposed.

49 Mt. Prospect Street 40B – Municipal Authorization to Transfer Ownership

Mr. Brian Heath, Chair, opened the meeting regarding the request from Mr. Robert lafrates for Board approval to sell the 49 Mt. Prospect Street 40B project.

Mr. Robert lafrates - 370 North Street - addressed the Board regarding his request to transfer ownership of 49 Mt. Prospect Street 40B. The applicant discussed that he has receive approval from DHCD but that Town and ZBA approval is required due to a lapse in income verification reporting that has since been corrected. Jennifer Burke confirmed that she received the information requested and reviewed with Town’s Attorney and recommends approval.

Mr. Gerald Chipman, Vice Chair, made a motion to approve the applicant’s request for a Municipal Authorization to Transfer Ownership. Ms. Ann Klimas, Member, seconded the motion. VOTE: All in favor, none opposed.

Chairman Brian Heath made a motion to close the public hearing. Michael Mainvielle seconded. VOTE: All in favor, none opposed.

Zoning Board of Appeals Business

Discussion of possible new date for McElwain hearing

Jennifer Burke discussed the letter received from CC MPZ Main Street LLC requesting to convene a special meeting of the Board for the continuation hearing due to their scheduling conflicts with the current date of April 10, 2019. The Board reviewed their calendar obligations and requested to recommend the date of May 1, 2019. Jennifer Burke to confirm with CC MPZ and notify the Board.

Review of Meeting Minutes

The Board reviewed the meeting minutes from the February 27, 2019 meeting.

Mr. Gerald Chipman, Vice Chair, made a motion to accept the February 27, 2019 minutes as presented. Ann Klimas, Member, seconded the motion. VOTE: All in favor, none opposed

Procedural Questions

Jennifer Burke asked about how the Board wants to handle signing decisions going forward. After discussions, the decisions will be emailed to the members for review and once finalized, Vice Chair will come to the CED offices to sign the decision.

Charles Burke - 50 Lawrence Avenue, having arrived after the hearing for the Special Permit request for 40 Lawrence Avenue, requested a status update. Brian Heath, Chair, provided information on the special permit request explaining the scope of work and indicated that the permit was granted. Mr. Burke's concern was with use of the new proposed structure and the Board shared the map showing it would remain a single-family home.

Chair asked about Director's Report – Jennifer Burke described that it is used as a communication to the Board and a way to provide background information on agenda items.

Mr. Gerald Chipman, Vice Chair, made a motion to adjourn the regular meeting at 7:44pm. Mr. Michael Mainvielle, Member, seconded the motion. VOTE: All in favor, none opposed. Mr. Brian Heath, Chair, closed the meeting. Next Zoning Board of Appeals meeting will be held on April 10, 2019 at 7:00pm in the Council Chambers located on the second floor of the Municipal Office Building, 66 Central Square, Bridgewater.

Respectfully submitted,

Lisa D. Fields
Executive Assistant