

Zoning Board of Appeals April 24, 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

Absent: Michael Mainvielle, Member

Staff Present: Jennifer Burke, Director of Community and Economic Development
Lisa Fields, Executive Assistant

Public Hearings:

109 Worcester Street – Variance – Section 8. Land Space Requirements

Mr. Brian Heath, Chair, opened hearing and read the public hearing notice into the record. Applicant seeking two variances under Section 8 Land Space Requirements of the Town of Bridgewater Zoning Bylaws for relief of the side and rear setbacks for a proposed addition to 109 Worcester Street, as identified on Assessor's Map 48, Lot 32.

Noting receipt of the public notices the Chair entertained a motion to waive the reading of the abutter's list. Gerald Chipman, Vice Chair, made a motion to waive the reading of the abutter's list, Anna Klimas, Member seconded.

VOTE: all in favor, none apposed.

Brian Heath, Chair, read the Zoning Determination Letter from Steve Solari, Zoning Enforcement Officer, into the record.

Mr. Lawrence Silva, Silva Engineering Associates, 1615 Bedford Street addressed the Board as the applicant's representative. The applicant is proposing to add just under 1,000 square feet of area, just under 500 square feet of foot print involving two floors, to make the house more functional.

Siting Section 5.12 of the current bylaws which allows for the addition to be no closer than the current house to the property line, Mr. Silva indicated the side setback relief would be for the 6.2 feet of the addition that extends into the rear setback. Mr. Silva displayed a plan showing the proposed addition and proximity to the side and rear setbacks. He stated the hardship for the requested variance is because of the size and shape of the lot. The lot does not meet today's standards and current setbacks cannot be applied. The relief, if granted, would allow for the revitalization of the home and neighborhood and would allow the applicant to stay in the home. Mr. Silva knows of no opposition from the neighbors.

Brian Heath, Chair, indicated the side setback is very close to the neighbors and letters of support would be helpful to have on record. The fact that the size and shape of the lot does not meet today's zoning standards does not meet the criteria for a hardship. Buying a house that is non-conforming on a non-conforming lot and proposing to make it more non-conforming and going for a variance does not produce a hardship. Member, Anna Klimas agreed.

Applicant, Thomas George – 109 Worcester Street. Addressed the Board and explained his reasons for the requested variances. Current layout of home is not functional for his growing family and an adjustment to the bedrooms and a narrow, steep staircase would allow him to stay in his home. Mr. George indicated that he spoke to his neighbor to the back left and while he would not attend the meeting said he was fine with his plans for the addition.

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Mr. Anthony Modica - 83 Dean Street – supports the proposed addition and feels will increase property values in the neighborhood.

Mr. Gerald Chipman, Vice Chair, noted that from a real estate perspective fixing the functional obsolescence would increase the value of the property.

Mr. Brian Heath, Chair, opened meeting to questions/comments from the Board. Ms. Anna Klimas, Member, not sure the hardship issue is proven. Mr. Gerald Chipman, Vice Chair, feels functional issue speaks to the hardship aspect. Leaning in favor for granting the variances as this would keep them in their home.

Mr. Gerald Chipman, Vice Chair, asks if applicant and representative can work with Zoning Enforcement Officer to plan an alternative design. Mr. Larry Silva requests a continuance.

Mr. Brian Heath, Chair, entertained a motion to continue the hearing and requests letters of support from back and next- door neighbors.

Mr. Gerald Chipman, Member, made a motion to continue the hearing to May 8, 2019 to allow for a review of possible design changes to the addition. Ms. Anna Klimas, Member, seconded the motion. VOTE: All in favor, none opposed.

Public Meetings:

VIVA Lakeshore Center 40B – Minor Modifications to Comprehensive Permit

Mr. Brian Heath, Chair, opened the public hearing regarding minor modifications requested by Claremont Lakeside Bridgewater LLC to the Comprehensive Permit for VIVA Lakeshore Center 40B by reading letter dated April 16, 2019 from Mr. Peter Freeman - Freeman Law Group into the record.

Mr. Peter Freeman – Freeman Law Group addressed the Board and introduced the project’s team. Claremont - Patrick Carney, Jr., Silva Engineering - Larry Silva, Cube 3 - Mike Mahan.

Mr. Freeman indicated that they are requesting minor modifications to the site plan, architecture and landscaping. They are not increasing number of units which would be a major modification. They are also requesting a vote on the acceptance of the plans as modified.

Ms. Jennifer Burke – Director, Community & Economic Development, indicated that the Board will not be expected to vote on the plans at this meeting. The Board has 45 days to act and that they have been sent to the Town Engineer for review.

Mr. Larry Silva – Sliver Engineering – 1615 Bedford Street, Bridgewater addressed the Board and discussed changes as indicated on site plans titled “Site Plan: VIVA Bridgewater” Lot 5 Lakeshore Center, revised 4/16/19. The first sheet reflects the altered location of the two buildings in relation to one another and the subsequent sheets provide additional details on landscape grading, sewer, gas and water services, additional parking and dog park, and the elimination of outside dumpsters in lieu of internal trash receptacles.

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Mr. Siiva indicated that a representative from Hawk Landscaping was not in attendance and shared that their plans with a revised dated of April 17, 2019 titled "VIVA Lakeshore Center, Bridgewater, MA" provides more details showing additional dog park with fencing and a bench. Added planning schedule with specifications and specifications on lighting. Entrance way now shows landscaping.

Mr. Mike Mahan - Cube 3 – 160 State Street, Boston addressed the Board and discussed the proposed architectural changes. The two buildings are closer together and there is an increase in the size of some of the units allowing for the addition of bedrooms.

Mr. Brian Heath asked for clarification as to whether the total unit count remains the same. Mr. Peter Freeman confirmed the total unit count is the same but that the total bedroom count has increased by seven (7).

Mr. Mike Mahan further discussed the elevation changes and Mr. Brian Heath, Chair, asked if the building materials will remain the same. Mr. Mahan answered in the affirmative.

Mr. Peter Freeman concluded the discussions by requesting that the changes as outlined merit the approval as insubstantial.

Mr. Gerald Chipman, Vice Chair, made a motion to accept the proposed modifications to the buildings as insubstantial. Ms. Anna, Klimas, Member, seconded. VOTE: all in a favor, none opposed.

Ms. Jennifer Burke asked if it was the Board's direction that the plans be signed off by the Town Engineer. Mr. Brian Heath, Chair, answered in the affirmative.

Zoning Board of Appeals Business

Review of Meeting Minutes

The Board reviewed the meeting minutes from the April 10, 2019 meeting.

Mr. Gerald Chipman, Vice Chair, made a motion to accept the April 10, 2019 minutes as presented. Ann Klimas, Member, seconded the motion. VOTE: All in favor, none opposed

Mr. Brian Heath, Chair, made a motion to adjourn the regular meeting at 8:20pm. Mr. Gerald Chipman, Vice Chair, 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 May 1, 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