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**ZONING BOARD OF APPEALS  
MEETING MINUTES  
March 6, 2017**

Present: Eric Smith, Chair; Nick Ianuzzi; Tino Lichauco; Andrew Plunkett; Phil Ruggerio

Staff: Ara Yogurtian, Liaison to the Office of Community Development

**Meeting called to order 7:00 PM**

Chair Eric Smith welcomed everyone to the March 6, 2017 meeting of the Zoning Board of Appeals, introduced all the members of the Board, and then proceeded to give a brief outline of the process. He encouraged public participation before the Board's deliberation at the end of the meeting, as well as submission of relevant documents and other materials necessary to support each case. He also stated that the Board had reviewed all submitted materials and urged there was no need to repeat that information. He mentioned that the second part of the meeting would be for deliberations and voting and that Applicants could stay until the end of the meeting or call Mr. Yogurtian tomorrow for the results.

**Continued Public Hearings:**

**CASE NO. 17-04 – ONE SPECIAL PERMIT**

48 Cedar Road – Lawrence and Meghan Hopkins

Meghan Hopkins, Applicant came before the Board and handed out additional information and a petition from the neighbors. She noted that her home was level from the front and slopes downward towards the back, exposing part of the basement. She added that the front was two and a half stories and back was three and a half stories. She noted that she wanted to add a master closet, bedroom and bathroom and that her neighbors were in support of the application.

Erick Luciano, Architect spoke and explained the proposed addition and the reason for the request for the special permit.

People who spoke in support of the application:

Janet Rif, 34 Cedar Rd. spoke in support of the update of the house. She noted that many of the houses have been updated on the street and they are happy with the plans.

Joe Rif, 34 Cedar Rd. concurred with Janet Rif.

No one else spoke. The Board took the matter under advisement.

**Public Hearings:**

**CASE NO. 17-06 – ONE SPECIAL PERMIT**

200 Concord Avenue – Michael Flaherty and Ruth Burns

Diane Miller, Architect came before the Board and noted that the Applicant was proposing to construct a one-story addition and she explained that the existing garage was in poor condition and in need of repair. She noted that the back corner of the garage is nonconforming and it is going to stay exactly where it is because they are just repairing the back corner [damaged concrete] of the garage.

Ms. Miller submitted a signature sheet from 15 neighbors who were in support of the garage repair and the approval of the special permit application.

No one else spoke. The Board took the matter under advisement.

**CASE NO. 17-07-ONE SPECIAL PERMIT**

132 School Street – John and Saskia Kovac

Ms. Kovac, Applicant came before the Board to describe that her home was on a slope and it was three-stories in the front and three and a half stories on the back. She noted that she would like to add a bathroom upstairs and a mudroom downstairs. In order to add this space, the plan was to push the back of the house out 5 feet. Ms. Kovac noted that the lot coverage was still the smallest in the neighborhood.

Mr. Smith asked about the roof line of the house and Ms. Kovac noted that it be a little bit higher.

People who spoke in support of the application:

Maryanne North, 138 School Street came before the Board to speak in support of the application and she noted that she was delighted with the plan and that they have provided great detail and care in the architectural plans had her feeling very comfortable.

Joanne and Loyd Baird, 20 Oak Street came before the Board to speak in support of the application.

No one else spoke. The Board took the matter under advisement.

**CASE NO. 17-08 – THREE SPECIAL PERMITS**

36 Lodge Road - David and Sharon DeMarco

David DeMarco, Applicant came before the Board to explain that he had a colonial that he would like to add a master bathroom to an existing bedroom. Mr. DeMarco explained that the new roofline would be lower than the existing ridgeline.

No one else spoke. The Board took the matter under advisement.

**CASE NO. 17-09 THREE SPECIAL PERMITS**

81 Hammond Road – Nicolas and Kristina Cardello

Applicants, Mr. and Mrs. Cardello came before the Board and explained that they would like more room in their house and would like to add some space to the house for their parents. Mr. Cardello handed out a neighborhood petition with signatures of support.

The plot plan dated Jan 20, 2017 was not stamped.

No one else spoke. The Board took the matter under advisement.

**CASE NO. 17-10 ONE SPECIAL PERMIT**

6 Cumberland Road – Andrew Osborn and Sunyong Hong

Mr. Osborn, Applicant came before the Board and stated that he would like to build a semi-circular driveway in front of his house. He noted that there was a small portion of the proposed driveway that was located within 30' of Cumberland Road and that was the reason for the special permit request. He noted that the existing parking space was very cumbersome and the driveway is an issue in the winter time.

Ms. Hong explained that the existing driveway has trees that are very close to the driveway. The circular driveway, without the permit would mean that they would have to remove a large very beautiful tree.

Mr. Smith asked why the circular portion was necessary for parking. Mr. Osborn stated that it was not necessary for parking but that it is there so that you can get from one side to the other.

Mr. Yogurtian noted that the proposed driveway had a small triangular portion that is non-compliant and was within the front setback requirements and within the sidelines of the building. He added that if the small piece was removed, the tree would have to come down. He also noted that the applicants were trying to save the 200 foot in height tree.

Ara explained that the small triangle portion that falls within the front setback requirement and within the sidelines of the building is the issue.

People who spoke in opposition of the application:

Suzanne Pittorino, 10 Cumberland Road, came before the Board and stated that there were a lot of cars all the time and it was a busy corner. She noted that it would be a lot of parked cars that she could see from her home. She also noted that she was concerned about traffic flow on Cumberland Drive and Village Hill Drive.

Mr. Deran Muckjian, 108 Village Hill Road spoke about safety issues for people driving on Village Hill Road and Park Rd and he noted that there would be a dangerous blind spot.

Ms. Hong, Applicant came before the Board to explain that the proposed driveway was right next to an neighbor's existing driveway and right across the street from another neighbor's existing driveway.

Mr. Lichauco noted that the project could be built-by-right if they chopped down the tree.

No one else spoke. The Board took the matter under advisement.

**Deliberation and Vote:**

**Case # 17-04, 48 Cedar Road**

**MOTION** to approve was made by Mr. Iannuzzi and seconded by Mr. Plunkett. Motion passed, 5-0.

**Case # 17-06, 200 Common Street**

**MOTION** to approve was made by Mr. Iannuzzi and seconded by Mr. Lichauco. Motion passed, 5-0.

**Case # 17-07, 132 School Street**

**MOTION** to approve was made by Mr. Iannuzzi and seconded by Mr. Ruggerio. Motion passed, 5-0.

**Case # 17-08, 36 Lodge Road**

**MOTION** to approve was made by Mr. Iannuzzi and seconded by Mr. Plunkett. Motion passed, 5-0.

**Case # 17-09, 81 Hamond Road**

**MOTION** to approve subject to the condition below was made by Mr. Iannuzzi and seconded by Mr. Plunkett. Motion passed, 5-0.

- Approval upon the submittal of a certified stamped plot plan and noting that the shed will be removed.

**Case #17-10, 6 Cumberland Road**

The Board had a discussion regarding front yard parking:

- Mr. Smith noted that the circular driveway outside of the front yard setback area was permissible by right.
- Mr. Iannuzzi noted that the Board had recently said no to a request for additional parking in a front yard setback although it was a completely different scenario. He also noted that the Board previously denied a special permit for an additional garage to improve parking at a site where ice was an issue.
- Mr. Smith stated that the issue before the Board was the small triangle where there wasn't going to be any parking and on the other hand if they say they could pave the front yard (on the grounds that they were not going to be parking in that space), this could open up a huge loop hole in the by-law going forward.
- Mr. Iannuzzi stated that he is afraid of opening up a box that would allow people to come and seek permits for circular driveways.
- Mr. Smith noted that if the permit is denied, they could either cut down the tree or they could decide to live with just parking on both sides without the circular portion of the driveway. He also noted that if the Applicant reduced the width of the proposed driveway, the Board was still left with the issue of the loophole in the by-law regarding circular driveways.

**MOTION** to approve by Mr. Ruggerio and seconded by Eric Smith. Motion failed, 1-4, the application was denied.

**Meeting Adjourned 8:18 PM**

The Zoning Board of Appeals next regularly scheduled hearing will be on April 3, 2017