

MINUTES

On Wednesday evening, **September 26, 2007** at 7:00 p.m. in the Council Chambers of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Harry J. Vlachos**, *Chairman*; **Melissa M. Santucci**, *Clerk*; **Stuart J. Bailey**, *Member*; **Deborah Elliott**, *Member*; **Carlos Fernandez**, *Member*; **Richard M. Moynihan**, *Alternate Member*, **Nancy Scott**, *Zoning Enforcement Officer*; **Absent: Louise Civetti**, *Clerk*.

Tape 1 of 2, Side A

The minutes of May 30, 2007, June 27, 2007 and July 25, 2007 were approved.

Ms. Santucci read the legal notice for the first case:

Juan M. Taco, 63 Sycamore Street, Belmont, MA herein requests the Board of Appeals to grant a **Special Permit** in accordance with §6.02(j), Off-Street Parking, Garage Door Opening, so as to permit Garage Door Opening facing street together with one vehicle parking on new second driveway proposed within the building front yard at **107 Fayette Street**, located in the T (Two-Family) Zoning District.

Juan Taco stated that he is living in Belmont and plans to move by Christmas to Fayette Street. Muy Fong, Architect, 204 Adams Street, Dorchester, handed out drawings to the board and stated that the attorney, Manuel Martinez will be here shortly. They are looking to have the garage in the front to increase the green space on the lot. They already have a permit to build another family on the right side of the existing one family house. The driveway exists on the right side where the proposed two-story building is going. All of the setback requirements have been met and they are required to come before the board for the SP as stated in the ordinance.

Mr. Taco added that the only way to put another house on the property was to attach it to the existing house, as there is 9700 square feet of land. The original plan shows the garage in between the two structures and the entry to the garage was in the rear. The new law through special permit allows for the garage to be entered from the front. The benefit to the original house, which is back on the market, is

they will have their own garage and driveway instead of sharing a driveway. The other house will be completely independent with its own driveway and garage and take back some of the green space of the back yard and side of the house. He is not trying to change the law. Watertown has passed a law that states if a person meets the requirements, it can be granted.

Ms. Santucci asked if the permit is not granted, will he put the door on the back. Mr. Taco will put the door on the back and two windows in the front. Ms. Scott added that front elevation was already approved with the original building permit.

Bill Abel, 115 Fayette Street has lived in the neighborhood for 25 years and has experienced the parking evolution with two family houses and there are several houses that have paving in the front and the Town has been trying to get away from parking in the front. He asks the board to consider the fact that parking in the rear of the property was already approved and allowed green space in the front which is more aesthetically appealing to the neighbors. Why add green space to the back when there are very strict restrictions to parking in the front. He has a two-family house and would like to have a separate driveway for his tenant, too but the board should not set a precedent by allowing this. If there were no other place to park and this were a hardship, it could be considered, but there are other options than to allow parking in the front.

Ned Regina, 102 Fayette Street, said that his concern is to set a precedent for two driveways for two-family houses that have had single driveways in the past. He shares his driveway with his tenants. He could add another driveway to his house, but that would take away green space and increase traffic on Fayette which is a dangerous street. Also, the second driveway directly in front of the house could be used more frequently and there would be four cars parked in the front and it would end up like a parking lot in the front of the house. Other houses on Fayette have their front yards paved and that is where everyone chooses to park.

Chair Vlachos stated the Planning Staff Report recommended to grant with conditions and the Planning Board Report also recommended to grant at their September 10th hearing date, but their vote was 2-1. Carlos Fernandez did not hear the presentation and Richard Moynihan, our alternate will be voting.

Ms. Elliott asked about the differences in the site plan in the packet and the site plan that was passed out this evening, plan 'SP' in the packet shows less pavement. Mr. Taco said the original permit was granted with the parking in the back. Since then, the law has changed and the new proposed plan shows the driveway in the front. Ms. Scott said the Planning Board recommended to reduce the driveway on the right

as it was not necessary to go the length of the house. Mr. Taco said the length is now reduced to by two-thirds or 52' in length.

Mr. Bailey suggests keeping the street front clearer by parking the cars further back. Mr. Taco said the front of the house will be free from parked cars as they will park from the porch backwards. Mr. Bailey also suggested a condition that the garage does not become storage and the two cars park in the front of the garage. Mr. Taco agreed that the only thing that can park in front of the garage is one car.

Ms. Santucci said the plot plan and architectural plans have different dimensions – 121' vs. 114'. Ms. Scott said both plans are stamped by land surveyors.

Ms. Santucci would like to see the driveway on the right stay at the length proposed to keep people from parking on the narrow street and she is in favor of the front entrance to the garage as it is not a typical request for front yard parking and with a garage, you would assume there would be parking in front of it.

Mr. Moynihan said there is concern from the neighbors about the aesthetics. Therefore, he would like to see the pavers mentioned by the petitioner used to improve the curbsite of the property. Mr. Taco said they have been talking to Ms. Scott and the DPW about it and he proposed the brick pavers for drainage and it is better looking than pavement.

Mr. Vlachos asked how many bedroom will be in each unit. Mr. Taco said the old house has 5 bedrooms or 4 bedrooms and a study and the new house will have 5 bedrooms. Mr. Vlachos is not in favor of this proposal as there will be a lot more cars here than they are thinking about – the market for this is 4 roommates with double the cars hanging over the sidewalk. He'd rather have the burden of loss of green space fall on the owners than on the neighborhood and keep the green space in the front. This would be a detriment to the neighborhood and he is not in favor of it, although it is a nice project. Mr. Taco said he is not asking for a Variance, he is asking for what the town says if you comply with the requirements, you can have it. The town did not say it was under the discretion of that law that you can not apply if you have more meaning to do this. It was not stated vaguely. It says if you have these requirements, you can apply. He is throwing that out and thinking that tomorrow something else will happen. All types of things could happen that would wipe out the reasoning, but you have to base this on what is there today and what is the law. Mr. Vlachos said he is looking at the elements for the special permit and he doesn't feel it meets those requirements. Mr. Taco said he has the support of the Staff, the Planning Board and from 10 neighbors.

Mr. Moynihan stated that he would vote to grant if the pavers were conditioned. Ms. Scott took note stated that it would be pavers in both driveways.

Ms. Santucci asked if the petitioner is required to provide 3 spaces for 5 bedrooms. Ms. Scott said that requirement is in the process of being changed – it will be required for 4 or more. She believes that when the permit was issued you stated there were 3 bedrooms. Mr. Taco said he has 4 bedrooms on the second floor and the existing house has 4 bedrooms and a study (the study does not have a closet). Ms. Scott said the ordinance is changing to state 'more than 4' and Mr. Taco did not say 5 bedrooms on the permit request. Mr. Vlachos wants to be sure there is sufficient parking showing on the plans for the number of bedrooms talked about. Ms. Santucci said he should be able to use the area in the front to park two vehicles, as he has 40' in the front of the garage.

Mr. Vlachos is still not in support as he feels any number of cars will be jammed into that front area within the next couple of years.

Mr. Bailey said he is only required to have two spaces per unit today, but if he were to apply tomorrow, he would be required to have 3 parking spaces. Ms. Scott confirmed that statement to be true.

Ms. Santucci requests a condition that 3 spaces per unit be provided. Ms. Scott asked if she is including two in the front and one in the garage. Mr. Fernandez asked what the reduction of the brick pavers would be as he believes the reduction is not 1200, but a third of that, at best. He states that the Planning Board recommended the driveway be reduced and with providing 3 spaces, that would not happen. Ms. Scott stated that the requirement for 3 spaces is 59' and the driveway to the end of the house is 68'8". Ms. Santucci revised her condition to include only the required length.

Ms. Santucci motioned to approve the Special Permit with 3 spaces per unit, with the right side driveway being limited to the required length of 59' and the mid-driveway at 8' wide and 41' in length and with the condition of using brick pavers. Ms. Elliott seconded. The vote is 4-1 and is granted. Mr. Vlachos voted against.

Harry J. Vlachos, Chairperson

Melissa M. Santucci, Clerk

Stuart J. Bailey, Member

Deborah Elliott, Member

Carlos Fernandez, Member

Richard M. Moynihan, Alternate

MINUTES

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Tape 1 of 2, Side B

Legal notice:

Frank Minasian and Kim Ross, 33 Fairview Avenue, Watertown, MA, herein request the Board of Appeals to grant a **Variance** in accordance with §5.04, Table of Dimensional Regulations, Rear Yard Setback, so as to construct a 10'x15' rear addition/sunroom, 14.3' from rear property line where 20' is required at **33-35 Fairview Avenue** located in the T (Two-Family) Zoning District.

Mark Brousseau, Better Living Sunrooms, the contractor for the petitioners, said that they purchased a three-season sunroom to be put on a 10'x15' existing full foundation. They will be 14' off of the rear property line, where they need to be 20'. The lot is not rectangular and they satisfy the requirement on the other side of the room. If they were to cut off the corner of the room to meet the 20' requirement, it would only leave 5' for Mr. Minasian to get into the sunroom. Mr. Minasian has MS and is in a wheelchair. He requires a motorized wheelchair and that area is being used to provide that transfer, if they cut the corner off, the lift won't fit into the room. They can not relocate the room as there is an egress door on the second floor of this two family house. It would also cover the ramp. Mr. Minasian can not be subjected to sun light for any length of time and the sun room would allow him to be outside and control the amount of sunlight he receives. This is a quality of life issue.

Mr. Fernandez wants to know where the second floor egress is. Mr. Brousseau said the last page of the drawings shows the egress highlighted in green and is circled. The door is behind the wall they would mount the room onto but the roofline would come back into the house wall. Mr. Fernandez said the existing elevations show a closed porch on the second floor and the photos show an open deck. Mr. Brousseau said the foundation is an open deck with a sleeper deck with 2x4's on end with flooring and an enclosed porch on the first floor and it is enclosed all the way up. The second floor porch is closed and the photo is old. Ms. Ross said the porch was closed-in about 4 months ago and it is now being painted.

Mr. Fernandez said the door has to have access to the concrete pad, but the rectangular footprint of the sunroom can slide sideways so you could have a 10' setback on the side yard and satisfy the setback to the rear. Mr. Fernandez said the interior door could move. Mr. Brousseau explained that if it is shifted, the door is no longer in the room and Mr. Minasian will have to go outdoors to be transferred. Mr. Fernandez said the door frame can be relocated and you can make the window a door. Mr. Brousseau said it would interrupt the laundry area on the interior. Mr. Fernandez said the site is not generous and the footprint of the house is tight to the property lines and to increase that is problematic. The layout can be looked at to provide all that is needed without a dimensional variance – he added that the side lot line is not in compliance. Ms. Scott noted that the sunroom can go onto the existing patio and the issue of pushing it over will require a new foundation.

Mr. Brousseau said the foundation is 10'x16' and the actual room is 10'x15'. Mr. Fernandez asked that all plans show consistent dimensions.

No one spoke from the audience. Chair Vlachos read from the Staff report, which recommends a granting of the Variance. The Planning Board voted unanimously to grant on September 10th.

Chair Vlachos is in favor of the petition even though he understands the concern of the topography. However, the shape of the lot is similar to a parallelogram and he doesn't see the sunroom as a problem.

Ms. Santucci visiting the property today and the rear abutter's property is a garage. She feels the sunroom does not encroach into that property and is in support of the petition.

Mr. Fernandez is in opposition as he feels there is a difference in volume between a deck and a room.

Mr. Bailey said it is the same footprint as the current patio deck and provides the gentleman with access to the outdoors which he wouldn't have without the proposed improvements and he is in favor of the proposal.

Ms. Elliott supports the proposal.

Chair Vlachos reviewed the conditions made by the Planning Board and they appear to be standard.

Ms. Santucci motioned to adopt the Staff and Planning Board's recommendation to approve the Variance as it meets the criteria as it is set out in the ordinance. Ms. Elliott seconded. The vote is 4-1 and is granted. Mr. Fernandez voted against.

Harry J. Vlachos, Chairperson

Melissa M. Santucci, Clerk

Stuart J. Bailey, Member

Deborah Elliott, Member

Carlos Fernandez, Member

Richard M. Moynihan, Alternate

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Tape 1 of 2, Side B, continued.

Legal notice:

John Bortone, 20 Mangano Court, Watertown, MA, herein requests the Board of Appeals to grant a **Variance** in accordance with §5.04, Table of Dimensional Regulations, Rear Yard Setback, so as to permit the construction of a rear second floor enclosed porch 11'x22.3' with 4.8' x11' deck and stairs proposed to be located 8.7' – 9.0' from the rear property line, where 20' is required at **18-20 Mangano Court**, located in the T (Two-Family) Zoning District.

Ken Leitner, Attorney for the petitioner, explained the requirements of the requested Variance. The lot is unique and it is a house on the end of a cul-de-sac. It slopes up to Holt Street from Mangano Court and in the rear there are two retaining walls with some areas in excess of 15' in height. The lot is trapezoidal in shape, so there are two rear yards. The second story addition would be appropriate as there are no sight lines from the rear of the first floor other than to the concrete lateral support walls. He said there really isn't any lot lines as they are at a much lower elevation than the abutter on Holt Street. The hardship is in using the backyard as it is as if you are in a walled-in stadium. They do not derogate due to the uniqueness and the hardship which they are trying to avoid by constructing a second story deck. Mr. Bortone has lived there for 9 years and the porch will be a three season 22'x11' with windows and a landing 5'x11' with stairs going down. The first floor will be an open patio area for use by the first floor tenant. The plot plan shows 10.1' going down to 9.9' and they will observe the entire 10.2', not 9.9'. The rear porches came down about a year ago due to dilapidation and suggestion by the Inspector of Buildings.

No one spoke from the audience.

Chair Vlachos stated that it is a unique lot and the wall is very imposing.

Mr. Fernandez asked why the neighboring property sits on top of this foundation wall and wants to know how that happened? Ms. Scott said that Mr. Bortone's father owned the property on Holt Street and he built the house there. Mr. Fernandez said if you walk onto the property on Mangano Court from the left, the house on Holt Street is right on the concrete, without any setback requirements being met. Mr. Bortone said they met all of the requirements at the time. Ms. Scott added that they side yard setbacks were 6' then. Mr. Bortone said the retaining wall is about 6' in on the property. Attorney Leitner said the Holt Street house is 6' in from the property line and the retaining wall is the property line on the Mangano Court house – there are two walls.

Mr. Fernandez asked if the slope on the roof has to be 3/12 or 4/12. Ms. Scott said the 3/12 requirement is for dormers, this back porch roof can be flat.

Ms. Santucci motioned to grant the Variance for rear yard setback, adopting the Planning Staff and Planning Board's recommendation, based on the shape of the lot and the topography of the adjoining lots. Ms. Elliott seconded. 5-0 granted.

Harry J. Vlachos, Chairperson

Melissa M. Santucci, Clerk

Stuart J. Bailey, Member

Deborah Elliott, Member

Carlos Fernandez, Member

Richard M. Moynihan, Alternate

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Tape 1 of 2, Side B, continued.

Ms. Santucci recused herself from this case. Mr. Moynihan is voting in her place.

Legal notice:

Foss Tighe and Linda Colby, 31 Morse Street, Watertown, MA, herein request the Board of Appeals to grant a **Special Permit Finding** in accordance with §4.06(a), Alts/Additions to Non-Conforming Structures, Height, Side Yard Setback and §2.71(b), Half-Story; and further requests a **Variance** in accordance with §2.71(b) and §5.04, Table of Dimensional Regulations, Stories-½ Story, so as to expand westerly side 10'x11.8' dormer an additional 16', (26'x11.7'), maintaining non-conforming 38.73' height, where 35' is permitted; and maintaining non-conforming 3.9' westerly side yard setback, where 10' is required; and further expand non-conforming 52% (half-story) living space by 9% to 61%, where less than 50% is allowed to maintain ½-story at **29-31 Morse Street**, located in the T (Two-Family) Zoning District.

Foss Tighe stated that they have lived in this house for house for 15 years and their family has grown to include two girls and a live-in au pair. They rent out the first floor unit and live on the 2nd and 3rd floors. The house was built over 100 years ago and they have one small 4'x6' bathroom on the second floor. They are seeking permission to extend an existing west-facing dormer by 16' to allow space for a bathroom in an area that is currently attic storage. The space is non-conforming in height, just over 38' and the side setback is 3.9' and they require a Special Permit Finding for that. The proposed modifications will not change the existing height or footprint. They are in compliance with the slope of the roof dormer. They are not in compliance with the T district definition of a 2 ½ story home. The living space represents 52% of the third floor area and the proposed extension will result in an additional 109 square feet, bringing the total living space to 61%. They are seeking a variance for this because of the nature and the layout of their current structure. The bathroom is on the second floor and all of the bedrooms are on the third floor. The proposed location on the 3rd floor was chosen because of the chaseway for plumbing that wouldn't require additional construction on the first and second floors. The bathroom will address a safety issue in their family as their two small children have to make trips downstairs in the middle of the night to use the bathroom and it is a long and dangerous trip. It will not be detrimental to the public good; will not pose any new hazards to pedestrians or motorists; nor will it obscure any of our neighbors' views; will not undermine the intent of the regulation. The dormer extension will be done in a style consistent with their current dormer. Most of the homes on Morse Street were constructed before the 2 ½ story ordinance; 3 of their neighbors have 3rd floor mansard roof, exceeding the regulation and the neighbor to the east has 4 stories. Granting the variance will not make their home inconsistent with the neighborhood. They have paid for granite curbing to be put in on Morse Street and have a tree planted on the new green space created by the curb. We rent our apartment below-market to keep only one car as we hate the phenomenon of packed driveways. They love Watertown and want to keep their family here. He added that Mr. Fernandez may point out the architect's north arrow is wrong on the drawings.

Mr. Bailey said the drawing, SKA1 show the existing bedrooms on the 3rd floor and the bathroom is new only. Mr. Tighe said all the bedrooms are there now and the only thing new is the bathroom. There is a small expansion of the bedroom that you can see better in SKA2. There are 4 bedrooms on the 3rd floor – one was considered a study, but it does have a closet.

Diane Casgrillo and her husband, Julio, are the immediate abutters at 35 & 37 Morse Street on the side of the proposed dormer and have owned the property for 20 years and the house has been in her family for over 100 years. They don't live there now, but plan to move there. They are concerned that people in Watertown, including them are or will be looking for variances to add spaces to their third floors, but they don't think it is such a great idea because the neighborhoods are so crowded now. They also have a concern for their tenants' parking during the construction of the dormer, if granted. There is only a few feet between the construction and where their cars are parked and there have not been any mention of concessions being made for their cars. Julio Casgrillo said he is concerned that they are liable for any construction personnel falling and landing on their property since it is only 3'9" from their property line. They wish that a bond be pulled if this is granted so they

are protected in the event of an accident. They also have pipes coming out of their basement draining water onto their property and they have asked them to correct this even though it may have been there since the house was built, but there is a state law that says you can not drain your roof water onto your neighbors property. Also, they have been asked to allow the staging onto their property as they need 4' and they only have 3'9" and they did will not allow them to put the staging onto their property.

No one else spoke form the audience.

Mr. Bailey asked Mr. Tighe if he needs 4' and he doesn't have it, how will he manage the construction. Mr. Tighe said he has spoken to the contractor and there is a different type of scaffolding that allows him to work from the roof with less than 4'. They were hoping to work something out with the neighbors with compensation for allowing the scaffolding and a dumpster, but that communication broke down this afternoon. They have been assured by the contractor that a thinner scaffolding can be used and the dumpster can be placed on the other side of their house and a shoot used to cart the debris.

Mr. Fernandez asked how many bedrooms are currently on the third floor. Mr. Tighe said there are four. Mr. Fernandez asked why they couldn't add a bathroom without increasing the volume. Mr. Tighe said they use all four bedrooms currently and the layout on the second floor is circular and there isn't a place for a bedroom. Mr. Fernandez said that conceivably the work could be done on the second floor instead of the roof with probably less work. He said the issue is that they are already over the requirement and they want more and the au pair could live on the second floor and they could still have beautiful bedrooms and a bath. Mr. Tighe said the plumbing is easier in the proposed space with a triangle space for the plumbing down to the first floor. The second and first floor bathrooms are in the back of the house and the plumbing in those bathrooms needs to be replaced and they need to have the proposed bathroom in place as they can not use that stack.

Tape 2 of 2, Side A

Chair Vlachos asked if there is a property that the board reviewed that is similar to this as he remembers cases that have been below the required amount and have asked for more. Ms. Scott said that Commonwealth Road asked for a large amount of relief and the board requested they reduce it. Chair Vlachos said he was looking for a case where the petitioner started with an overage and requested more. This case is going from 52% to 61% and although it is 9 points, but it is 20% almost. The house is already at a height that is not conforming.

Ms. Scott asked if they considered a half-bath. Mr. Tighe said they did speak with their contractor and they had a hard time fitting in into the existing space. They need the dormer for the increase in floor space. On plan SKA2, they are extending the dormer, but only adding a few feet to the room next to it. If they left the gap between the two dormers, they would save space technically, but it would be a place for snow and ice dams as it would be narrow. However, it is possible and it would decrease their space by 16 square feet, but increase their cost and create a maintenance nightmare.

Mr. Fernandez said the existing 4th bedroom is under the existing dormer. Ms. Scott asked if they could not expand that bedroom, and reduce the 16' expansion to 6 or 8'. Mr. Tighe said it would only give them 2' into the attic space. Ms. Scott is suggesting that the bathroom start where they planned on expanding the bedroom. Ms. Colby (?) stated that the bedroom is wider than the dormer and is under the eaves and you can not stand in that room. (The rest of her statement could not be understood as she was not at the podium). Mr. Fernandez said that bedroom would be a great bathroom and you can slope pipe quite a ways to meet the plumbing code. Mr. Tighe said the chase-way is below the shower and runs to the basement. Ms. Scott asked if they would consider not having the shower stall, bathtub, two sinks and toilet and just have a half bath. Mr. Tighe said it is possible, but they have a small bathroom now and to build another small bathroom would not be as satisfactory. Mr. Bailey pointed out that they are going to redo the second floor bath. Mr. Tighe said that will become a half bath as the sink is over the existing tub and only 4'x6'. Ms. Colby explained that the old cast iron is starting to leak and has to be removed. They hope to use the triangle space that has a few wires in it now to house the new plumbing while they work on replacing the existing plumbing.

Chair Vlachos is trying to come up with solutions to have the request for the variance become a de minimus amount as opposed to this sizable request. Ms. Colby asked if their choice is to put a bathroom somewhere else or they have to entirely move out, tear out the walls and replace all the cast iron. They've already replaced portions of the pipe when they moved in 15 years ago and they still have lead pipes and it needs to be removed. They wish to build a new bathroom with a different infrastructure.

Chair Vlachos said approving this request would open a flood-gate of requests as the board has been stingy about these types of requests and have allowed 2-3% at the most. He does not recall a case that has ever already exceeded the ½ story before coming to the board. Mr. Tighe said he has learned a lot about the regulations. They can not expand the bathroom on the second floor without reducing the already small kitchen. He thinks they could put on a new dormer instead of extending the existing dormer and that would give them 16 square feet and the percentage increase would be to 58 or 59%, but if it makes the difference in approval, they would consider it.

Mr. Fernandez said a rule of thumb is to centralize plumbing – especially when replacing existing. He is perplexed. He said if the plumbing is in the back of the house, then the 4th bedroom could become their wonderful master bath. They could increase the chase and

build this side to it then open up the second floor bathroom and clean it up. He said the argument for plumbing elsewhere doesn't add up for him. Mr. Tighe said they were seeking to maintain the bedrooms on the third floor and hadn't priced the alternative. They feel a bedroom on the second floor next to the living room would be downgrading their home.

Chair Vlachos suggested they continue the case and asked that they consider alternatives with their architect for smaller square footage. They would like to see them have their project completed, but they have to be consistent with their decisions.

Mr. Tighe asked for guidelines to give to his architect – 54% wouldn't work for them but they could do 58%. Chair Vlachos said 58% is also high and it is the magnitude of the increase as opposed to the raw number or the basis points.

Mr. Bailey said he is in favor of getting a bathroom on the third floor, but he is not in favor of taking a bedroom out for the bath. They have to take some of the percentage increase out to bring it down and he can not give them a number as they have to work on getting that increase down. Mr. Vlachos added that the term 'deminimus' increase works for the board – like one, two and maybe three points.

Mr. Moynihan wants the petitioner to consider the planned bathroom has a free standing shower stall, a tub and two sinks. They could take out one sink, incorporate the shower into the tub and make it a smaller operation. It is difficult to grant this exceptional relief when it is a fancy, large scale bathroom (that everyone agreed they would like). Mr. Tighe explained again that they have lived with a small bathroom on the second floor and adding a half bath on the third floor will not meet their needs. Mr. Moynihan said to consider a full bath with one sink and a combination tub and shower with one toilet.

Mr. Fernandez said he is in favor of treating themselves to a wonderful bath; however, with 3 bedrooms and using the 4th bedroom with a bedroom on the second floor.

Mr. Tighe said they will work with their architect and work with Ms. Scott. Ms. Scott stated that he was told from the beginning that this would be difficult.

Mr. Tighe would like to continue.

Mr. Fernandez said that since a neighbor is in opposition, it is not a small matter. There is no room and construction is a messy business and having to provide a protective barrier is difficult here. You will have to assume that responsibility. Ms. Colby added that the roofing nails are 100 years old and they have to re-roof anyway. So, construction can not be avoided.

Ms. Scott added they could take a bond out through the police chief to occupy their property and covers the neighbor that the property has to be put back into it's original state should something happen. (The neighbor, I believe, spoke out from the audience). Ms. Scott said she would provide a copy to the neighbor showing that they allow the temporary trespass for maintenance because access is limited.

Ms. Scott asked the board to address the issue of drainage. Ms. Colby said they have regular gutters with elbows on the bottom. Mr. Tighe said they can make them go in different directions. Mr. Fernandez suggested orienting them to the front or back of the property, not sideways. Ms. Colby said it is the first time they have heard of this and Mr. Tighe said he will purchase something to fix it.

The neighbor spoke to Ms. Scott saying that the state law says if the neighbor doesn't have enough room to lay a ladder against his house to do repair, he can not prevent him from putting a ladder onto his property to do those repairs; however, he can not put staging over a 24 hour period on your property. It is against the law for him to prevent his neighbor from putting the ladder up on his property. Chair Vlachos said whatever the law it, it is and they will have to comply with the law.

Mr. Moynihan motioned to continue the matter to the October meeting as requested by the petitioner. Ms. Elliott seconded. 5-0 granted to continue.

Mr. Moynihan motioned to adjourn. Ms. Elliott seconded. 5-0. Goodnight.