

## MINUTES

On Wednesday evening, June 25, 2008 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; Louise Civetti, Clerk; Danielle Fillis, Senior Planner.

Tape 1 of 2, Side A

Chair Vlachos opened the meeting at 7:00 p.m., introduced the board and swore in the audience.

Chair Vlachos stated that the petitioner for 460-464 Main Street has requested a continuance. Ms. Santucci motioned to accept the continuance. Ms. Elliott seconded. Voted 5-0 Continued.

Ms. Santucci read the first legal notice:

Irada Djelassi Brady, 136 Acton Street, Watertown, MA, herein requests the Board of Appeals to grant a Special Permit Finding in accordance with §4.06(a), Alts/Additions to Non-Conforming Structures, Front and Rear Yard Setbacks; a Variance in accordance with §5.00(e), Distance Between Structures, Zoning Ordinance, so as to construct a side yard deck, 21.7'x15', maintaining front yard setback of 24.5', where 25' is required; rear yard setback of 11.5', where non-conforming house exists at 5.5' and where 20' is required and further proposing a distance of 6' between garage and deck, where 10' is required at 136 Acton Street, located in the S-6 (Single Family) Zoning District.

Irada Brady, owner/petitioner appeared before the Board and explained that due to site conditions of the house and the fact that it is a corner lot, with little rear yard, she is wanting a low-platform deck 21.7'x15', which would align with the front yard setback of 24.5', and be 11.5', from the rear yard, where the house now exists at 5.5' and where 20'. Additional with this size deck it leaves 6' to the garage, where 10' is required by the ordinance.

Chairman Vlachos indicated that the Planning Board Report recommended denial of the request, but that the Planning Board agreed with the Staff's recommendation that the deck be reduced in size to 11' x 21.7', which would provide the required 10' offset from the garage and eliminate the need for the Variance request.

Members Fernandez ,Santucci and Elliott agrees with staff - the deck as proposed is exceptionally large for the subject property as it is approximately half the size of the footprint of the principal structure to which it would be attached and would be more detrimental to the neighborhood than the existing non-conforming structure.

Member Fernandez suggested that a patio for this area be proposed, which would give her the outdoor-level area, she is looking for. Ms. Brady said that the rooms in their house are so small that they were hoping to be able to have room to dine on the deck and the exterior provides that "additional" living area. The deck would be in keeping with the existing sliding door and that size deck would provide the space we have being enjoying on the ground now.

Given the sense of the Board, Chairman Vlachos asked the petitioner if she would considered the smaller deck, 11' x 21.7', as it appears that the Board would not likely grant the variance relief, as there was no basis for such and the Board's consensus that the original size deck requested is just too large.

Ms. Brady reconsidered and agreed to reduce the size of the deck as suggested by Planning Board and members of this Board and further requested the Board to withdraw her petition for variance.

In view of the reduction in size of this deck, the Board is of the opinion that the revised proposed deck would not be substantially more detrimental to the neighborhood than the existing house, which will maintain the non-conforming front yard setback at 24.5' and a proposed rear yard setback of 5.5'.

Ms. Santucci motioned to grant the Special Permit Finding at 11'x27.1 as it meets the requirements set out in the ordinance. Ms. Elliott seconded. Voted 5-0 Granted. Ms. Santucci motioned to grant the

withdrawal of the Variance request. Ms. Elliott seconded. Voted 5-0

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Tape 1 of 2, Side A, Continued

Ms. Santucci read the legal notice:

Arto Dermovsesian, 55 Moulton Street, Newton, MA, herein requests the Board of Appeals to grant a **Special Permit** in accordance with §5.02(m), Accessory Use, Sale of New and Used Motor Vehicles, so as to allow as an accessory use the sale, display and storage of two (2) operable used vehicles in conjunction with existing Arto's Service Station, gas station /auto repair facility at **445 a/k/a 441 Main Street**, located in the LB (Limited Business) Zoning District.

Mr. Fernandez has been recused from voting. Mr. Moynihan, Alternate Member, will be voting in his place.

Attorney Arden Roy, is representing Arto's Service Station, Inc., a gas station and auto repair shop. Arto Dermovsesian, the owner, wishes to supplement his business by selling used vehicles. The sale of new or used cars is an accessory use in the LB zone by special permit. His site can hold 10 cars for auto repair now. He has applied for a class II Used Car Dealer license to store two additional vehicles next to the building, in the area between the building and Main Street to sell. This area has never been used for auto repair or the service station. The Planning Board had issues with the number of cars parked in excess of the number allowed. The Board concluded that there is not adequate parking on site for the current use and recommended a denial of the special permit. There were excess cars on the site due to the site not having striped and marked out parking spaces, creating confusion for the customers. Since the Planning Board, Mr. Dermovsesian has striped the spaces and he will enforce a policy that strictly designates no parking in areas that are not designated for the service station. Another reason the planning board denied the request is due to the neighbor, Mr. Fred Salvucci expressing concerns about the lack of cleanliness with woodchips, car batteries, barrels, debris and the grass had not been maintained on the side closest to his house. He has spoken to the neighbor, cleaned all debris and mowed the grass and promises to maintain the cleanliness of the site.

Mr. Bailey asked why the area for the proposed sale of used cars painted with no parking. Attorney Roy said it has been that way since he has owned the property.

Carla Salvucci, daughter of the abutter referred to earlier, said for the record that Arto is an excellent mechanic. They support the portion of the business that allows Arto to supplement his business by selling new or used cars. They oppose the number of vehicles on the lot. She would like the board to have them maintain the 10 cars – including the number in the bay. They are located on Edenfield Avenue, next door to the site. She would also like the cleanliness to be maintained. When they have 10 cars on the lot, that doesn't take into consideration the employees who then park on Edenfield Avenue – which is congested already due to commuters and it is hard on the residents who can not park their own vehicles. There should only be 12 cars total on that land (service for 8 outdoors; 2 in the bay and 2 outdoors for sale).

Moshegh Shabaniyan, 51 Lexington Street, came to the meeting to say that the man is a good man and he keeps the site clean and it is not a problem for his house.

Fred Salvucci, owns 12-14 Edenfield Avenue, said he has approached the owner on several occasions to clean the batteries because of the chemicals. He then had to call the board of health because his house looks over that area. There are four trucks that dumped lumber there for him to burn wood in his own house and he splits it at the gas station and it shouldn't be there. There isn't any problem with him selling cars. We've supported this from the beginning but two additional cars they are not in support of. If they wanted to park where it says no parking, he can put the cars there but no where else on the property.

Chair Vlachos asked if the owner of the gas station owns the block of stores on Main Street. (No).

Ardero Dermovsesian, the father of Arto, said this is the second time he is coming before the board. The first time was to open the station to start the business. There were a lot of neighbors complaining about 30 cars and the place is messy. It has been 9 years and from time to time, they make mistakes but mostly they help the neighbors, clear the snow, jump start cars, etc. He said if Mr. Salvucci came to him he would have solved the problem right away but Mr. Salvucci doesn't live there anymore. He wants to help his son.

No one else spoke from the public.

Chair Vlachos said he is in support but as the abutters have spoken about the cleanliness and overcrowding of the lot, he would like to have a "cooling off" period to be sure they comply with what the rules are now.

Mr. Bailey asked why the wall is painted "Absolutely No Parking" and was it ordered by the Zoning Board. Ms. Scott didn't know and Ms. Civetti said it had been there for years, most likely to stop patrons to the sub shop from parking there.

Mr. Bailey is in favor of the petition but would like a condition for the property to be maintained with a review in 6 months or they can not sell cars. He'd like to see that there is no more than 12 cars on the lot and no dumping or splitting of wood.

Ms. Santucci asked who owns the fence between the station and the house on Edenfield. (No one is sure). She is in support of this but would like for it to be 'softened' for the abutters.

Attorney Roy submitted supporting statements from neighbors for the record.

Ms. Santucci was reviewing photographs of debris and stated that she is upset by the amount of debris. She suggested additional landscaping – trees, mulch – more than just cutting the grass. This is years of debris.

Attorney Roy said they promise to keep the area clean and will do anything to enhance that area.

Ms. Santucci asked about the 'timber operation' and what made him think that is okay. Mr. Dermovsesian said he has 5 fireplaces and he split the wood behind the building.

Ms. Elliott asked to clarify the 5 spaces adjacent to the building as there is a post that is leaning. There is a car parked in an unmarked space. She would be in support of the petition.

Mr. Dermovsesian said that he tries to have the customer pick up their car as soon as it is finished. He doesn't allow the car to remain there for a couple of days. He tries to keep the amount of cars that he works on in one day to below 15 but 8 or 9 at a time. He said he was hoping to have one of the spots next to the building for customers.

Ms. Fillis said the issues she saw was the striping and lack of a place for people to drive in an talk to Arto about their car. She recommended they use one of the two proposed spaces for customers to come to speak about their cars and the other space would be for a car for sale. The Planning Board denied the entire petition due to the circumstances on the lot. The Planning Board suggested a continuance to show a good faith effort to keep the lot clean and the petitioner declined the suggestion to continue.

Attorney Roy explained that they felt they could implement all of the changes prior to the Zoning Board meeting. They were able to make the changes within two weeks.

Chair Vlachos asked how long the changes will be maintained. He doesn't have a problem with the petition, he wants to be sure that the clean-up isn't just window dressing for the board.

Attorney Roy said they still have to go before the Licensing Board. Ms. Scott added that they can not go before the Licensing Board until she writes a report that the Zoning Board has approved the petition.

Mr. Moynihan inquired what the space behind parking space #5 and to the rear of the building will be used for. Attorney Roy said it will be completely empty. There is another area all the way behind the building, not visible at all from anywhere, that he will use to store.

Tape 2 of 2, Side A (Tape 1 does not have a Side B)

Mr. Moynihan would like a condition to keep the space clear. He suggests plantings that are easy to keep clean to show a good faith effort to his neighbors and the board.

Mr. Bailey asked if the license is granted, will they have to sell vehicles in those two parking spaces. Ms. Scott said yes. Mr. Dermovsesian said he is aware that those two spaces will have to be for the sale of cars. The customer coming to look at the car will have to park in the street.

Chair Vlachos read from the Planning Board report June 11<sup>th</sup> recommending to deny and the Staff report suggested one space to sell and one space live. He would recommend a continuance to see how the site is being maintained.

Attorney Roy agreed to the September continuance.

Ms. Santucci motioned to continue to September. Ms. Elliott seconded. Voted 5-0 Continued.

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Tape 2 of 2, Side A, Continued

Ms. Santucci read the legal notice:

Richard Merson, President, United Cerebral Palsy of Metro Boston, Inc., 71 Arsenal Street, Watertown, MA, herein requests the Board of Appeals to grant a **Special Permit Finding** in accordance with §4.06(a), Alts/Additions to Non-Conforming Structure, Side and Rear Yard Setbacks, Parking and **Special Permits** in accordance with §5.05(d) Reduction in Side Yard setbacks and §6.01(g), Required Parking on Another Lot; **Variance** §5.04, Table of Dimensional Regulations, Rear Yard Setback; so as to permit construction of 1-½-story office and attic addition (2,097 sf), above existing 'L' shaped building having 2,630 sf. Proposed addition 21'-2"x46'-2"x78'-6"x28'-10"x57'-4" will maintain existing easterly side yard setback of -0.8' – 0', westerly side yard setback of 0'-2', where 15' is required on each side and maintain non-conforming rear yard setback varying 13.1'-17.7', where 20' is

required. Providing one handicap parking space at front, maintaining 4 existing non-conforming parking spaces and request to provide auxiliary parking of 5 required spaces at 75 North Beacon Street for the property at **71 Arsenal Street a/k/a 32 North Beacon Street**, located in the LB (Limited Business) Zoning District.

Steve Winnick, Attorney representing UPC, gave history of the company and explained the project, stating that the first floor will be gutted and a second floor added. There is parking for 13 cars now or since 1934 and will redesign for 4 legal spaces with 5 more across the street, which meets the requirement for one space per 400 square feet. He went into detail of the non-conformities of the site and the requirement of the Variance.

Ms. Santucci asked where the 13 cars are actually parking. There isn't any existing diagram available.

Attorney Winnick said the administration building is strictly for program support providers and clerical and administrative capacities.

David Webster, CFO, explained that they only want to renovate the administration office which holds 10-15 employees. The other location is program. The staff is not increasing on Arsenal Street. He showed a photo of the interior of the space as it is now to show that 4 people are sharing an office right now and their plan is to spread the same staff out into their own offices.

Mr. Bailey asked if they are having the same amount of staff that they did with 13 parking spaces, where are the same staff going to park when there are only 4 spaces and an additional 5 off-site? Attorney Winnick said the employees do not stay on-site all day. They have treated 4 spaces as being grandfathered and the other 5 are required for the square footage. Mr. Webster said there were never 13 staff at one time parking 13 cars – some take the bus.

Attorney Winnick said the auxiliary parking is proposed across the street at 75 North Beacon Street with a 2 year lease and a two year option. The handicap persons do not come to this location. There are HP spaces in front on Arsenal Street and one in the parking layout on the site. He added that 75 North Beacon Street has adequate parking for their purposes.

Chair Vlachos asked if there is anything in writing to support the parking is in compliance at 75 North Beacon. Attorney Winnick said he is not sure anyone ran that analysis. Mr. Webster said Attorney Loughran would not commit to their lease of spaces until he was sure he wasn't in violation with the leases of his current tenant. Chair Vlachos said he is looking for the zoning requirements, not the lease requirements. Attorney Winnick asked Ms. Scott if she had done an analysis (she did not). He will furnish the parking requirements for the office users at that location.

Attorney Winnick said the planning staff made specific recommendations which were incorporated into their design. One was the size of the windows which the Planning Board did not feel had to be included.

Attorney Winnick mentioned a letter from the neighbor at the Chinese Restaurant, noting no side setbacks between her building and theirs. He said that can not be addressed in any meaningful way and should not preclude their project from going forward. Theirs is a one-story structure that is going up one additional story – it is not a high-rise that will overshadow her building. He said she raises a legitimate point about the drainage. They are providing a new drainage system for the building which directs the water away from her roof to the other side of their building and into a leaching canister. They are also adding a leaching canister in the front of the building. There will also be snow guards on the gutters to prevent the snow from cascading down onto her building.

Ron Jarek, Architect, showed a series of flip charts and explained the design with simulated stone panels, brick and stucco. The roof lines are metal and windows operable.

Chair Vlachos asked why metal roofs are preferred. Mr. Jarek explained that they are fire-proof, used for longevity and non-residential. They will be a shade gray in color and ribbed. He then showed the existing tandem parking and confirmed the 4 grandfathered spaces. There will be 3 at 8.5x22' and only one will be 'blocked' in. The one handicapped space will be in front and passing through the existing curb cut. The receiving ramp will be 8 inch transistion and a delivery dollie will be able to come up to the door of the building. The dumpster is planned for the corner of the building and the HVAC will be screened by the same fenced in area. The area will have grass-crete, which is cement with holes in it that are filled with grass and the intent is to save grass from dying from repeated driving over it. Where the cars are parked will be bituminous and around that is the grass-crete. There isn't any area of the current site that is not paved right now. At the front entrance there is a simulated brick walkway with an area for trees and landscaping in the corner. They also have large planters that are high enough to be visible. Along the rear and side, there will be planters against the building but low.

Ms. Ellitot asked how often delivery vehicles will come. Mr. Webster said once a month. She asked if the grass-crete will be irrigated. Mr. Jarek said there isn't any irrigation system planned and the planting area will need to be watered and maintained. The grasscrete will be maintained for the first year by the installer.

Mr. Jarek showed the a site plan with the parking across the street and then interior office plans including the handicap elevator and the overlook area from the second floor. They have functions here and the conference room is on the first floor to accommodate the fund raising and other activity related to administrative functions. Unisex handicap bath on first floor and attic with a single-pitch roof and the high side has a stand up attic without use. The single pitch roof provides stand-up room that is undesignated. He showed the rear elevation from the North Beacon Street side with a little canopy roof as an emergency exit to also serve as the paper delivery door. The wall between the restaurant and them is called a party wall. The restaurant and their building encroach on to each other. There is one or two inches between the buildings and they plan to have a 2-hour firewall on their side.

Ms. Scott noted that they are encroaching onto the side of the restaurants parking and they are adding on – will they continue the encroachment. Mr. Jarek said they are building directly above the existing building and the encroachment is .8' on the Arsenal Street side and they merge about half way into the parking area and then the restaurant parking is about .4' . The building has been an office use since 1937 and he believes they were all one building or attached garages as one time. He believes the Chinese restaurant will go some day and will be replaced perhaps by a 5-story building. They are not favoring that side of the building. Their roof pitch is highest at 22' away and lowest adjacent to the restaurant with the single pitch going up towards the Hess Gas Station. The other high pitch is on N. Beacon. He said they are maintaining the perimeter walls.

Mr. Fernandez confirmed that there is not a basement and asked about stair one being one egress and stair two being an open stairwell will not be an egress and asked about a sprinkler system. Mr. Jarek said they have a fall back plan for the permit process as the building is only 4000 square feet and does not require sprinklers. The stairs are within 10' of the entry area and rear exit area.

Ben Rogan, Highland Development said sprinkling would add substantial cost as they'd have to bring a new water line into the site, excavation, etc. – it could be another \$60-70,000.

Mr. Fernandez said the second stairway is open and is not a second means of egress and there should be sprinklers in this instance. Mr. Jarek responded with an optional fire escape coming off the building towards the Hess Gas Station and is a direct way out. There continued to be discussion regarding whether or not an exit through a lobby was considered code.

Tape 2 of 2, Side B

Ms. Elliott commented that she could not find this exterior stair on her plans. Mr. Jarek referred to drawing A-2 and located at the right hand corner of the building. He then confirmed that the board did not have the same drawing he was referring to and said there is a different layout of the second floor, as well. The exterior stair will be at least 44" wide and 10' high with sufficient stairs and risers to descend to the first floor. He then explained the changes in the second floor offices.

Attorney Winnick will modify the control plans to reflect what was discussed tonight.

Ms. Santucci asked if they are demo-ing the entire building. Mr. Jarek said they are demo-ing the interior and retaining the exterior walls and adding a new second floor and new roof and then reconfiguring the exterior walls and the fire walls on the Hess side and the restaurant side. Attorney Winnick added that the footprint remains existing and will be gutted and rehabbed on the inside of the first floor.

Ms. Santucci asked again about the sprinklers. Mr. Jarek said it is based on 10,000 s.f. and this building is as large as any two-family house at only 4,000 s.f. and will not be classified as residential.

Chair Vlachos commented that he is not prepared to vote tonight as a two-year lease is not sufficient for parking for the future. They could sell the property after approval and the town would be stuck with a situation without adequate parking. For a building doubled in size there isn't enough parking. There is a tenancy that a non-profit gets a quick rubber-stamp and this is office space and could be inadequate for their needs once it is done. He requires adequate parking. Attorney Winnick said Bernie Loughran did not want to agree to a lengthy lease and whatever relief is granted can be conditioned on the lease remaining in force. Chair Vlachos said the board couldn't do a thing – a new owner would come back to the board for an amendment and then may not find auxiliary parking. Attorney Winnick said the parking is across the street and they did try to obtain parking next door at the restaurant.

Chair Vlachos requests to know if the building across the street will still be in compliance by giving up those spaces. If this were a for-profit venture, it would be looked at a lot harder. Mr. Webster said they have been in the community for over 60 years and people comment that it is a mobile home. They will continue to be in the community as their programs are here on Main Street. They have dreamed of just being able to have an office where they can close the door. Attorney Winnick asked for guidance to continue the meeting.

Ms. Santucci mentioned the parking table on the site plan does not correlate to the discussion – there was a requirement for 13 spaces, 4 on-site and 5 off-site required and provided and additional space off-site for one and then a five year lease with a 5 year option. Attorney Winnick said the original submissions were casting for 10 spaces but did not get them. If they were to comply with the entire ordinance, or building new, they would have to provide 13 spaces. Because 4 are deemed grandfathered and the second floor is another 2000 s.f., it requires an additional 5 spaces. This is the requirement of a special permit finding. Ms. Santucci said the 13 spaces used prior is demonstration of the need. Mr. Webster said there are not 13 staff members there at the same time – most are in the field. A CFO, CEO, COO, a payroll person and a bill paying person are the only ones there all the time.

Ms. Scott explained that Attorney Winnick is trying to provide dimensional parking for the site – conforming spaces. There was never any parking layout in the history of the site.

Mr. Webster reiterated that they are providing fair and equitable office space for people that are sharing space now. He sits with 4 people in the same room and has to step outside of the building for a private conversation. They are not adding people or parking, just a reasonable place to come to work. He showed photos of an average day with two cars in the front and two in the rear. The proposed design is for one HP space in the front. The visitors park on-street and three spaces in the back. They do not regularly have visitors, perhaps a job applicant.

Ms. Santucci said there could be a different use in this building and the board would be saying 4 plus 5 off-site parking is sufficient. She then calculated that they need 50 spaces (to run the business) across the street and they do not have that.

Attorney Winnick said they will have to work on the calculations for across the street and other parking. They'd like to know what the board would require for a lease. Chair Vlachos said a five year lease with a 5 year option. Ms. Santucci said 10 year initial term.

Attorney Winnick requests a continuance to July. Ms. Scott recommended coming in to the Building Inspector to have him review their plan for the sprinklers in accordance to building code.

Ms. Elliott requests copies of the same plan they referred to tonight.

Ms. Santucci motioned to accept the continuance to the July agenda. Ms. Elliott seconded. Voted 5-0 continued.

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Tape 2 of 2, Side B, Continued

Ms. Santucci read the legal notice:

John McGeough, 212A Palfrey Street, Watertown, MA, herein requests the Board of Appeals grant an **Amendment to Special Permit** #05-01 granted April 13, 2005, in accordance with §4.09, Exceptions to Lot Size, so as to allow changes to control documents –eliminated chimney at rear; rear deck-6'x18' changed to 5'x24.5; 2<sup>nd</sup> fl rear balcony reduced 4'x10' to 4.4' x 8.7'; grant a **Variance** in accordance with §4.11, Exceptions to Setback Requirements; §2.63, Retaining Wall Higher than 6' alter and

enlarge northerly exterior stairway approved 8' from northerly side yard to permit varying setback 0.0'-3.5'-7.5', where 5' required for retaining wall; 10' for uncovered stairs at **Lot 333 3A 5B Palfrey Street, a/k/a 212a Palfrey Street** located in the S-6 (Single Family) Zoning District.

Chairman gave an overview that the previous hearing was the public input and that the Board was to review additional information and to make a site visit. Chairman visited the site and was satisfied with what he saw. Member Santucci was surprised it was the only change-it was a beautiful project. Member Fernandez confirmed with Mr. McGeough whether the lowest in topography retaining wall was the one cut to remove the encroachment. He noted that it appears 1 ½" pass the fence-and questioned if it was still the owners property or abutter's. Mr. McGeough, owner/petitioner stated that nothing is residing on the abutter's property. He has cut everything back, as shown the site plan by VTP. The end of the retaining wall is 100% on his property. He stands by the plan which reflects no encroachments. The Board received additional information dated 6/18/08 and pictures from Mr. McGeough rebutting allegations raised by Mr. Porcaro at the last meeting.

The Chairman requests the members to proceed with a motion to vote on the petition. Public input was aired at the last meeting. Chairman advised Mr. Porcaro there are legal actions he can take if he believes there are still issues with his property caused by Mr. McGeough.

Member Bailey states the house looks great, but he is unhappy about the stairway and how because of grade changes and errors on design, it got built and in doing so violated the zoning and now coming to get relief from the Board. He cannot approve this because it was the best thing for the petitioner to do.

Chairman states no one on this Board is in favor of the way these changes were done; however, its been thoroughly discussed both here and the Planning Board.

The majority of this Board is of the opinion that the changes to the control documents relative to the decks; chimney can be approved without issue as it creates no further zoning violations.

Ms. Santucci motioned to accept the changes to amend the Special Permit Finding for the deck, chimney and stairway. Ms. Elliott seconded. Voted 4-1 with Mr. Bailey voting against. Granted.

Ms. Santucci motioned to accept the variance for the setback to the stairs and the retaining wall. Ms. Elliott seconded. Voted 4-1 with Mr. Bailey voting against. Granted.

Ms. Santucci motioned to accept the variance for Section 4.11. Ms. Elliott seconded. Voted 4-1 with Mr. Bailey voting against. Granted.

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Tape 2 of 2, Side B, Continued

Ms. Santucci read the legal notice:

Carmine Camerato, Jr., 2 Orsini Drive, Wakefield, MA, herein requests the Board of Appeals to grant a **Special Permit Finding** in accordance with §4.06(a), Alts/Additions to Non-Conforming Structures, Side Yard Setback, Zoning Ordinance, so as to permit the construction of a rear deck, 10.5' x8', with 3.77'x4' platform and stairs proposing southerly side yard setback of 11.3', with existing non-conforming bulkhead at 10.3', and where 20' is required and proposing stairs to be 7.78' from garage, where 10' between structures is required at **29-31 Church Hill Lane**, located in the R.75 (Residential) Zoning District.

Mr. Camerato asked for a Special Permit Finding for an 8'x10' deck with stairs going straight out as requested by the board at the last meeting.

Ms. Scott said the board has received a fax from the land surveyor showing the change to the deck and compliance with the 10' off-set from the garage and a revised structural drawing for the deck. What was eliminated is the platform. The variance can be withdrawn.

Ms. Santucci motioned to grant the special permit finding for a 8'x10' deck based on the revised drawing.

Ms. Scott noted that there wasn't a variance filed as Mr. Winnick was of the opinion that he could get a special permit finding to get that less than 10'.

Ms. Elliott seconded. Voted 5-0 Granted.

Ms. Santucci motioned to adjourn. Ms. Elliott seconded. Voted 5-0 Meeting Adjourned at 9:25 p.m.