

COHASSET ZONING BOARD OF APPEALS

DATE: Tuesday, March 10, 2020
TIME: 7:30 PM
PLACE: COHASSET TOWN HALL
41 HIGHLAND AVENUE COHASSET, MA. 02025

Board Members Present:

S. Woodworth Chittick, Chairman (WC)
Peter Goedecke, Vice-Chairman (PG)
Charles Higginson, Member (CH)
David McMorris, Associate Member (DM)
Matthew Watkins, Associate Member (MW)
Lee Darst, Associate Member (LD)

Town Staff Present:

Jennifer Oram, Assistant Clerk, ZBA

Chairman Chittick opened the meeting at 7:30PM. He introduced the Board.

BOARD BUSINESS

The Board agreed that April 7, 2020 and May 5, 2020 would be the next meetings of the Zoning Board of Appeals. This could all change due to the threat of the COVID-19 pandemic. Assistant Clerk, Jennifer Oram, will keep the Board updated on Town Hall operations and Public Meeting protocol.

CONTINUED HEARINGS

SPECIAL PERMIT – Filed by Attorney Jeffrey De Lisi of Ohrenberger De Lisi & Harris, LLP on behalf of his clients John J. Starvish and Shelley M. Vanderweil. The applicants seek to reconstruct a dwelling at 449 Jerusalem Road. Subject properties are 449 and 457 Jerusalem Road. The applicants seek Special Permits per sections §§§300-8.7. B, 300-9.7. G and 9.7.H. File #19.10.08.

Documents submitted for this hearing:

- Letter dated February 27, 2020 requesting a continuation of this hearing until April 7, 2020.

The applicants are still updating plans from their recent Conservation Commission approval.

**MOTION BY VICE CHAIRMAN GOEDECKE:
SECONDED:
VOTE:**

**TO CONTINUE THE HEARING
CHAIRMAN CHITTICK
3-0 MOTION CARRIES (WC, PG and CH)**

NEW HEARINGS

SPECIAL PERMIT – Filed by Whitney Whinnery, on behalf of her clients, David and Angela Abate. The applicant seeks a Special Permit per §8.7. Applicants seek to raze and reconstruct a single-family home, a portion of which is within the setback at 10 Jerusalem Road. File #20.02.14.

Documents submitted for this hearing:

- ZBA Application date stamped February 14, 2020
- Site Drawings prepared by Whitney Whinnery, AIA
- Site Plan prepared by Hoyt Land Surveying

Whitney Whinnery addressed the Board on behalf of her clients, David and Angela Abate. She reviewed the history of the project for the Board. The applicants went before the Planning Board for a Large Home Review and received approval. Once the contractors started looking at the house, it was determined by three different contractors that there was

too much rot and the house should be taken down. To rebuild, a portion of the house is within the setback and the applicants want to change the location of the garage, retaining wall and driveway. They went before the Planning Board for a ZBA recommendation regarding this application and were advised that what they were proposing was still dangerous and they could need a Variance from the ZBA; which they would most likely not receive.

This evening they handed out new plans for the proposed changes they want the Board to consider. Chairman Chittick stated that the Board would need a complete and current plan set in advance of the meeting so they can review and understand what is before them for decision. In addition, the applicants need to update their site plan to include abutting properties and the structures on those properties. Associate Member McMorris added that the Board will need the figures of the increase of the façade within the setbacks.

**MOTION BY VICE CHAIRMAN GOEDECKE
SECONDED:
VOTE:**

**TO CONTINUE THE HEARING
ASSOCIATE MEMBER WATKINS
3-0 MOTION CARRIES (WC, PG and MW)**

SPECIAL PERMIT – Filed by Pierce Home Design, LLC, on behalf of their client, Nino Dinunno/KD Custom Builders, LLC. Special Permit per §300-8.7. The applicant seeks to construct a second story addition at 103 Black Rock Road. File #20.02.06.

In attendance to represent this agenda item: Brad Pierce of Pierce Home Design, LLC

Documents submitted for this hearing:

- **ZBA Application date stamped February 6, 2020**
- **Architectural Plans prepared by Pierce Home Design**
- **Mortgage Inspection Plan prepared by Boston Survey, Inc. dated 7/17/2012**
- **Updated Site Plan prepared by Cavanaro Consulting submitted at ZBA hearing 3/10/20**

Brad Pierce of Pierce Home Designs, LLC addressed the Board and reviewed the proposed project. He submitted an updated Site Plan prepared by Cavanaro Consulting at the hearing. They are proposing to build a second story addition over the existing first floor of the house. The front and rear setbacks are nonconforming; the sides are conforming. There was a discussion amongst the Board about the height of the structure and the existing side setbacks. Associate Member McMorris asked that Mr. Pierce provide the Board with the calculations of the increase of the façade volume within the setbacks. Vice Chairman Goedecke said the Board looks at how much façade is increased within the nonconforming setback and the impacts that has on the neighbors. Chairman Chittick added it would be helpful to have those figures and the side setbacks put on the site plan. There were some questions regarding the coverage on the site. Mr. Pierce stated the coverage is 19.9% (allowed is 20%). Chairman Chittick added that the site plan also needs to be updated to include the neighboring properties. Mr. McMorris asked that Mr. Pierce get the Board the height calculations based on the way the Town of Cohasset measures height. Mr. Goedecke explained that the Town measures from pre-construction grade to the mid-point of the highest roof and asked Mr. Pierce to use that standard for height measurement and add that information to the plans.

The Board asked if anyone in the audience wished to speak. Mr. Dave Dugan of 100 Black Road said he is supportive of the site being improved but has concerns about the proposed height and the coverage of the project. There seems to be a discrepancy between the lot size that is on the Site Plan and what is on the Town's Assessor's Map. He is also concerned about the square footage of the proposed house stating that the square footage is just below the Large House Review threshold and that the plans show an attic that could be finished. Mr. Pierce responded stating that there is no attic proposed, what they are seeing are windows to give a visual effect and light in the area of cathedral ceilings. There is some storage, but the height is about 5.5 feet. Chairman Chittick added that they could condition that attic space could not be habitable. Mr. Dugan is also concerned of the visual effect on his home by the increased height. Mr. Mark Federle of 111 Black Rock Road is also in support of an improvement to the property. He added that any new structure is going to impact him significantly based on his proximity to the property. He is also concerned about the water run-off on the property. There is already a water issue.

APPROVED MINUTES

Mr. Goedecke advised the applicant that the Board will need to know what the façade is currently within the setback and what it will be increasing to. The site plan needs to be updated to include the setbacks, the volume calculations and the abutting properties. The discrepancy with the coverage needs to be clarified as well. Mr. McMorris added that the Board could condition a decision to address water run off from the property; that is under their purview.

**MOTION BY VICE CHAIRMAN GOEDECKE
SECONDED:
VOTE:**

**TO CONTINUE THE HEARING
CHAIRMAN CHITICK
3-0 MOTION CARRIES (WC, PG and CH)**

**MOTION BY CHAIRMAN CHITTICK:
SECONDED:
VOTE:**

**TO ADJOURN THE MEETING AT 8:45PM
MEMBER HIGGINSON
3-0 MOTION CARRIES (WC, PG and CH)**

APPROVED