

APPROVED MINUTES

COHASSET ZONING BOARD OF APPEALS

DATE: Tuesday, May 5, 2020
TIME: 7:30 PM
PLACE: COHASSET TOWN HALL
41 HIGHLAND AVENUE COHASSET, MA. 02025

Meeting Held Via Zoom Platform.

Board Members Present:

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

Town Staff Present:

Jennifer Oram, Assistant Clerk, ZBA
Lauren Lind, Planning Director

Chairman Chittick opened the meeting at 7:30PM. He introduced the Board members by full name.

BOARD BUSINESS

The Board agreed that June 2, 2020 and July 7, 2020 would be the next meetings of the Zoning Board of Appeals.

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.

In Attendance to Represent Agenda Item: Attorney Jeffrey De Lisi, Can Tiryaki of Tiryaki Architectural Designs, John Cavanaro and Brendan Sullivan of Cavanaro Consulting and Land Owner, John Starvish.

Documents used for this hearing (on file in the ZBA Office):

- **449 Jerusalem Road – Architectural Plans prepared by Tiryaki Architectural Designs, dated April 10, 2020 and date stamped April 15, 2020**
- **Site Plan prepared by Cavanaro Consulting dated April 14, 2020 and date stamped April 15, 2020**

Chairman Chittick started the hearing. Since this application was last before the Board, they have changed architects and are now represented by Tiryaki Architectural Designs. The Chairman is related to the Tiryakis and will therefore recuse himself from the hearing. Vice Chairman Goedecke will Chair.

Attorney Jeffery De Lisi addressed the Board and reviewed what has occurred since they last met in November 2019 to discuss this application. The applicants are requesting a Special Permit to merge two existing lots, demolish an existing house and replace it with a garage and construct a swimming pool. Some of this work is being done in the Flood Plain and Wetlands Protection District and required Variances from the Conservation Commission. This process took a few months and then plans had to be updated. After working with the Conservation Commission, they scaled back the project and then brought on Tiryaki Designs to tweak the design.

John Cavanaro of Cavanaro Consulting then addressed the Board. They had originally planned a more robust campaign of erosion control in the area, but the Conservation Commission asked that they minimize the amount of work within the Flood Plain. In addition, they will be moving the pool toward the center of the lot which would make it a conforming structure.

Mr. Can Tiryaki then reviewed the architectural plans addressing the setbacks and façade increases. The new garage would be located 9.7' from the front lot line; the existing structure is 2.4' from the front setback, so they are reducing the non-conformity. The proposed garage would increase the façade within the front setback by 17% from 371 square feet to 437 square feet.

Member Goedecke asked if there was anyone on the Q & A platform on Zoom who had any questions; there was no one on the platform.

**MOTION BY ASSOCIATE MEMBER McMORRIS: TO CONTINUE THE HEARING UNTIL
JUNE 2, 2020
SECONDED: MEMBER HIGGINSON**

**ROLL CALL VOTE: LEE DARST – AYE, DAVID McMORRIS – AYE, MATTHEW WATKINS – AYE,
CHARLES HIGGINSON & PETER GOEDECKE – AYE**

5-0 MOTION CARRIES (LD, DM, MW, CH and PG)

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 Agenda Item: Brad Pierce of Pierce Home Design and Landowner, Nino Dinunno.
Documents used for this hearing (on file in the ZBA office):

- Updated Plan packet prepared by Pierce Home Design – Date stamped April 21, 2020
- Updated Site Plan prepared by Cavanaro Consulting revised April 21, 2020

Chairman Chittick asked the applicants to address the Board. Mr. Pierce stated that there had been no changes made to the proposed second story addition. Chairman Chittick stated that the application information needed to be amended and asked that the applicant submit an amended application.

Jennifer Oram, Assistant Clerk to the ZBA, then addressed the Board. There had been some questions from abutters regarding the lot size and why the figures were different on the Assessor's map vs. the Cavanaro Site Plan. Mrs. Oram reached out to the Director of Assessing who explained that the reason for the difference is that in this area of Town, Black Rock Road, many of the old lots like these had not been professionally surveyed; they were estimated. The applicants will file the engineered Site Plan with the Norfolk County Registry of Deeds.

Mr. Pierce reviewed the plans addressing the increases in massing within the setback(s). He referred to diagrams A-11 & A-12 in his submitted packet, the increase in non-conforming volumes in front and the rear are both approximately 41%. Vice Chairman Goedecke commended Mr. Price on the very helpful depictions he submitted regarding the volume increases.

Chairman Chittick asked if anyone in the audience had any questions via the Q & A platform in Zoom. Planning Director and Co-Host of the Zoom Meeting read questions aloud from neighbor, David Dugan of 100 Black Rock Road. He has concerns about the façade elevation increases being more detrimental to the neighborhood. He is concerned that the increased height will cause shadows on their home. He is also concerned about the existing water issue on the lot and asked what they would do to mitigate the issue. Mr. Dugan would like them to get advice from the Conservation Agent / and or the Commission.

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The Board discussed the height and did not see an issue with shadows. They will have to review in deliberation the height increase. There was then an extensive conversation about whether it was in the Board’s purview to request some form a drainage plan. Mrs. Oram stated that the Conservation Agent had looked at the plan and confirmed it would not warrant a stormwater review as soil was not being disturbed. After a lengthy conversation, the Board agreed they would like to see some form of drainage plan. Vice Chairman added that they need to look at this proposal under §300-8.7. Associate Member Darst said she is familiar with the area and does think the lot is small and the house is very close to the road.

After further discussion:

MOTION BY CHAIRMAN CHITTICK:

TO CONTINUE THE HEARING UNTIL JUNE 2, 2020 AND THAT THE APPLICANTS FILE A SUPPLEMENTAL SUBMISSION ADDRESSING WATER DISCHARGE ASSOCIATE MEMBER McMORRIS

SECONDED:

ROLL CALL VOTE: DAVID McMORRIS – AYE, VICE CHAIRMAN GOEDECKE – AYE, MATTHEW WATKINS – AYE, CHARLES HIGGINSON – AYE, LEE DARST – AYE, & CHAIRMAN CHITTICK – AYE

6-0 MOTION CARRIES (DM, PG, MW, CH, LD and WC)

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.

MOTION BY CHIARMAN CHITTICK:

TO CONTINUE THE HEARING UNTIL JUNE 2, 2020

SECONDED:

ASSOCIATE MEMBER McMORRIS

ROLL CALL VOTE: MATTHEW WATKINS - AYE, CHARLES HIGGINSON – AYE, LEE DARST – AYE, PETER GOEDECKE– AYE, CHAIRMAN CHITTICK – AYE & DAVID McMORRIS - AYE

6-0 MOTION CARRIES (MW, CH, LD, LD, PG and DM)

SPECIAL PERMIT – Filed by Alissa Jones Design, on behalf of their clients, William Bryan and Kristen L. Baker. Special Permit per §300.8.7. The applicants seek to construct a second story addition, a portion of which is within the setback at 706 Jerusalem Road. File #20.03.13.

In Attendance to Represent Agenda Item: Alissa Jones of Alissa Jones Designs, Landowners William Bryan and Kristen L. Baker

Documents used for this hearing (on file in the ZBA office):

- **ZBA Application date stamped March 13, 2020**
- **Architectural Plans prepared by Alissa Jones Designs, date tamped March 13, 2020**
- **Site Plan prepared by Cavanaro Consulting, date stamped March 13, 2020**
- **Amended Site Plan prepared by Cavanaro Consulting, date stamped April 15, 2020**
- **Emailed letter of support submitted by Justin Pimpare of 713 Jerusalem Road**

This hearing is continued form May 5, 2020. The Board has not heard this application.

Ms. Alissa Jones addressed the Board. This property has been granted to the previous owners a Special Permit before in 2017 for an addition. The permit was never acted upon. Ms. Jones reviewed the plans explaining that the applicants are proposing a small 626 square foot, second story addition. The addition they are proposing is located with the

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nonconforming setback. Vice Chairman Goedecke asked why they didn't go up above the kitchen where it is conforming. Ms. Jones explained that kitchen has a cathedral ceiling and so going up where they are proposing is the most economical

decision for the project. Chairman Chittick asked if the owners had considered utilizing the old plan from 2017. Ms. Jones stated they had looked at that project, but that plan required a foundation and again, would have been more costly. Chairman Chittick added that this plan has less of an increase within the setback which is good. Vice Chairman Goedecke would like to read the previous decision. Chairman Chittick asked if there was anyone in the Q & A platform that would like to speak. Ms. Oram stated that Mr. Justin Pimpare was in the Q & A and has submitted to the Board a letter of support.

MOTION BY CHAIRMAN CHITTICK:

**TO CONTINUE THE HEARING UNTIL
JUNE 2, 2020**

SECONDED:

VICE CHAIRMAN GOEDECKE

ROLL CALL VOTE: LEE DARST - AYE, CHARLES HIGGINSON – AYE, MATTHEW WATKINS – AYE, PETER GOEDECKE – AYE, DAVID McMORRIS – AYE & CHAIRMAN CHITTICK - AYE

6-0 MOTION CARRIES (LD, CH, MW, PG, DM and WC)

NEW HEARING

SPECIAL PERMIT – Filed by Cavanaro Consulting, on behalf of their clients, Donald P. & Elyse M. Ryan. Special Permit per §300-9 and §300-4.2. Applicants seek to construct a residential dock at 88B Beach Street. File #20.04.16.

In Attendance to Represent Agenda Item: John Cavanaro of Cavanaro Consulting

Documents used for this hearing (on file in the ZBA office):

- **ZBA Dock Application – Date Stamped April 16, 2020**
- **Site Plan prepared by Cavanaro Consulting – Date Stamped April 16, 2020**
- **National Flood Hazard Layer Print Out – Date Stamped April 16, 2020**

Chairman Chittick opened the hearing. John Cavanaro addressed the Board and reviewed the plans for the proposed dock. Cavanaro stated that this proposed dock in Little Harbor is not a conventional dock and pier configuration with a ramp and float that requires a Chapter 91 permit. He continued to explain there is an existing elevated land formation and so the proposal is a modest landing that is designed to be removed affixed to ledge. Member Higginson asked why this would not trigger a Chapter 91 License. Mr. Cavanaro stated that Little Harbor falls under the Harbormaster and that the vessels that are allowed to be used in this water body are very limited. He also clarified that there will not be a permanent structure that sits below mean high water.

The proposed dock would be constructed of removable platforms. Chairman Chittick asked if there was anyone on the Q & A platform that has any questions; there was not one present.

MOTION BY CHAIRMAN CHITTICK:

**TO CONTINUE THE HEARING UNTIL
JUNE 2, 2020**

SECONDED:

ASSOCIATE MEMBER WATKINS

ROLL CALL VOTE: CHAIRMAN CHITTICK - AYE, LEE DARST – AYE, CHARLES HIGGINSON – AYE, MATTHEW WATKINS – AYE, DAVID McMORRIS – AYE & PETER GOEDECKE - AYE

6-0 MOTION CARRIES (WC, LD, CH, MW, DM and PG)

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ADJOURNEMENT:

**MOTION BY CHAIRMAN CHITTICK:
SECONDED:**

**TO ADJOURN THE MEETING AT 9:10PM
MEMBER HIGGINSON**

**ROLL CALL VOTE: CHAIRMAN WOODY CHITTICK - AYE, CHARLES HIGGINSON – AYE, PETER
GOEDECKE – AYE, MATTHEW WATKINS – AYE, DAVID McMORRIS – AYE & LEE DARST – AYE**

6-0 MOTION CARRIES (WC, CH, PG, MW, DM and LD)

MEETING ADJOURNED AT 9:10PM

APPROVED