

**ZONING BOARD OF APPEALS  
781-982-2100**

**Minutes  
February 13, 2014  
Cotter Room  
7:00 p.m.**

**Members Present:** James Haney, Lisa Bezanson, William Mullen, John Shepard, Sean Reynolds

7:00 p.m. Motion to approve January 9, 2014 minutes made by Mrs. Bezanson, seconded by Mr. Mullen, 4 ayes, 1 abstention (Mr. Reynolds).

**Discussion on Special Municipal Employee status.** Mr. Haney attended a meeting with town counsel, several Selectmen and other board members. BOS doesn't think ZBA falls under the criteria of needing SME status as a position of authority. Mr. Haney's personal employment position requires this. Asked other members if they feel it is needed and why. Mr. Mullen - doesn't see why they wouldn't get it. Mr. Haney is hoping other members will give reasons for the status to be granted, although he was not sure what protection it does give the board. ZBA doesn't make policy – interprets bylaws. Mr. Shepard - doesn't see that he needs it, has checked with Ethics Commission. Mr. Haney - it's not individual, it's for whole board. Mr. Reynolds – it is tough enough to get people of some of these boards. He would like pool open as much as possible for volunteers. Mr. Haney agreed, felt it thwarts volunteers. Shawn Reilly gave update on this. Planning Board appealed to BOS, and it was reinstated by 3 to 2 vote. There are exemptions. Mr. Haney is going to Board of Selectmen to petition for the SME status.

7:00 p.m. **Petition of CCL Abington Phoendog LLC, 225 Groveland Street, Abington, for: a special permit to allow work within the Flood Plain and Wetlands Protection overlay district, to construct a retail accessory building adjacent to existing customer entrance/exit driveway at 225 Groveland Street, under Abington Zoning By-Laws Sec. 175-35G. The property is located on Assessors Plan 14, Plot 20, in the Highway Commercial Zone.** Voting members: James Haney, Lisa Bezanson, William Mullen. Mrs. Bezanson made the disclosure that she, her husband and their company have done business with the applicant and Atty. Reilly in the past, but have no interest in this petition, financially or otherwise.

Sewer advisory – has limit of 750 gallons per day. Atty. Reilly – Planning Board has reviewed project; Sewer Department has reviewed and approved connection; Conservation Commission has approved the project. Opened to floor with no comments. Had been continued from last month for input from other departments.

Motion by Mr. Mullen to approve petition, seconded by Mrs. Bezanson, unanimous.

7:05 p.m. **Petition of J & S Realty Trust, 338 Brockton Avenue, Abington, for: a special permit to construct single family home in the Floodplain and Wetlands Protection District at 75-99 Ashland**

**Street, under Abington Zoning By-Laws Sec. 175-35G. The property is located on Assessors Plan 15, Plot 102, in the R-30 Zone.** Voting members: James Haney, Lisa Bezanson, John Shepard. Mrs. Bezanson made the disclosure that she, her husband and their company have done business in the past with the applicant, his surveyor and Atty. Reilly, but have no interest in this petition.

Sewer advisory – there is no capacity at this time. Russ Wheatley, John Cotter and Atty. Shawn Reilly gave the presentation. The applicant is in process of permitting and purchasing the property between houses 75 and 99. This is for work to be done in floodplain. Land slopes downhill to Route 18. There is stream behind the Lovett's house. They had appeared before Conservation on February 11, 2014 and were approved. This won't create flooding for neighbors. Will be connected to sewer and water and will be in line with setbacks of neighborhood. Was originally a lot, but was split. Runoff will go down on either side of property into wetlands. There is no hardship issue with special permit. They have bought half of the property from #99 and the portion from #75 is under agreement. It's not subject to seasonal flooding. Brook is on the Lovett's property. They have included a dry well for roof runoff.

Opened to floor:

Dr. Peter McDonald, 113 Ashland Street – Across the street, there is a field that doesn't drain; the water comes off the field, on to the street and down to the river. He has seen the area where the house would go filled with water. He is concerned with water getting to stream. Atty. Reilly - it's not increasing flow, just channeling flow to either side of house. John Cotter - there is some filling around the house. They are waiting for sewer. Swale is on the right side, still going in the same place. They can't block the water or make situation worse.

Closed to the floor and brought back to the table. Mr. Shepard - thinks there's a lot of water. Atty. Reilly - it's not an increase in water, just redirected. Mr. Haney - topography isn't blocking water, has been through Conservation, doesn't see a problem.

Motion by Mrs. Bezanson to approve as per plans submitted, seconded by Mr. Shepard, unanimous.

7:10 p.m. **Petition of Mario Sinani, 1 Hunt's Pond Lane, Abington, for: a special permit to have existing in-law apartment included under current owner's name at 1 Hunt's Pond Lane, under Abington Zoning By-Laws Sec. 175-32-I. The property is located on Assessors Plan 13, Plot 93, in the R-30 Zone.** Voting members: James Haney, Lisa Bezanson, John Shepard.

Sewer advisory – appears to have no bearing on sewer system. Mr. Sinani was told by Building Inspector that he had to apply for the special permit so the in-law would be in his name. When he gets married, his parents will be moving in there. Permit goes with owner, not property. When property is sold, the special permit is void. He has owned the property for 15 months.

Opened to floor:

Abutter - there was a person living there that wasn't a family member. She has complained numerous times. Has seen it advertised on Craig's List in the past. Mr. Sinani - won't be renting.

Abutter - there has been someone there for the last two months. Mr. Sinani said it's a family member. It is his property, and he will have people coming and going, staying as they want to. Mr. Haney –

board can't address former owner. Abutter – the people that were there up until a few months ago were the same people who were there before the previous owner sold the property. According to Mr. Sinani, no one was living there when he bought the property.

Ms. Polito - people who were there before house was sold stayed after property was purchased. Another set of people moved in. Mr. Sinani stated he bought property with no one living there.

Ms. Starkey - it may be his house, but it is their neighborhood. They don't want people renting and not knowing who is coming in and out of there.

Mrs. Bezanson – what would neighbors like to see happen. Abutter – they don't want strangers coming in and out of that property. They don't have a problem if it is family. He can't be renting.

Mr. Reynolds suggested it be tabled to have Building Inspector look into it, as far as enforcement. Mr. Haney – will check with Building Inspector, have there been issues with this owner? Mr. Sinani - his parents live there. Mr. Haney – the issue is not who is coming and going, but whether the affidavit is accurate, which is up Marshall Adams to enforce. Board needs more information from Mr. Adams as to what is going on. Applicant just wants to update name on permit. There is a 14 month period that there is discrepancy. More information is needed from the point new owner took possession. Board suggested continuing to March 13. Mr. Reynolds suggested he work with his neighbors.

Abutter doesn't want a reoccurrence of what has happened in the past.

Motion to continue the hearing to March 13<sup>th</sup> at 7:00 p.m. to get information from Marshall Adams made by Mrs. Bezanson, seconded by Mr. Shepard, unanimous.

Meeting adjourned at 8:05 p.m.

Respectfully,

Nancy Hurst