

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

**Minutes
November 14, 2013
Cotter Room
7:00 p.m.**

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

7:00 p.m. **Minutes:** June 13, 2013 – motion to approve made by Mrs. Bezanson, seconded by Mr. Shepard, unanimous.

July 11, 2013 – motion to approve made by Mrs. Bezanson, seconded by Mr. Shepard, unanimous.

October 10, 2013 - hold for next meeting

Release of escrow accounts: Abington Woods - balance due back of \$533. Mr. Haney had compared the peer review account of invoices and disbursements and they were correct. Mr. Haney explained that in some cases the board can request peer review which the petitioner is required to cover. Motion to recommend reimbursement of \$533 for Abington Woods made by Mr. Sheppard, seconded by Mrs. Bezanson, unanimous. Atty. Shawn Reilly added that the developer has agreed to donate the money from this project, as well as the Gables, to the Green Wave Boosters and had previously submitted a letter to that effect.

Gables release will be held over until the next meeting.

Amended decision on 19 North Avenue - to be tabled to end of meeting.

7:00 p.m. Petition of Russell O. Phillips, 280 Chestnut Street, Abington, for a special permit and variance to allow an in-law apartment of approximately 1300 s.f. in the basement at 274 Chestnut Street, under Abington Zoning By-Laws Sec. 175-32-I. The property is located on Assessors Map 50 Lots 53/54, in the R-40 District. Voting members: John Shepard, Lisa Bezanson, James Haney.

Mr. Haney asked the petitioner why this was larger than normal. Mr. Phillips - there will be four members living in it. Mr. Haney – requested a layout of the floor plan. Mr. Phillips had given the floor plan to building office, but there will be three bedrooms. Qualification for in-law is two people, and Board felt that put it into the category of a two family due to number of bedrooms and number of people. Mr. Phillips - could he switch people from basement to upstairs and two people upstairs to the downstairs? He would be allowed 900 s.f. in an in-law. Board didn't want to create a two family home. Mrs. Bezanson - they are still keeping characteristics of single family home, not adding exterior door. Mr. Shepard – he's not segregating the areas, so is it just remodeling? Mr. Phillips should check with Building Inspector to see if it's just remodeling, not an in-law. Board would like more information.

Opened to the floor:

Shawn Reilly - if it's a separate dwelling unit, it's an in-law or two family. If he's just renovating to add living space, he would just need a building permit.

Closed back to the table. Motion to continue the hearing to December 12, and talk to Marshall Adams, made by Mr. Shepard, seconded by Mrs. Bezanson, unanimous. The board would like to see plans for the next meeting.

Mr. Mullen arrived at 7:15 p.m.

Amended decision for 19 North Avenue. This had been approved for special permit rather than variance. No additional relief is being granted. Mr. Haney went over the four conditions that need to be met to amend a decision: Board's "true intention"; no additional relief granted; doesn't change the result of the original decision; does not prejudice anyone relying on the initial or amended decision, because terms of approval are not changing. Board agreed with conditions. Motion to amend decision as requested made by Mrs. Bezanson, seconded by Mr. Mullen, unanimous.

Mrs. Bezanson left at 7:35 p.m.

7:35 p.m. The petition of Gosselin Home Builders LLC, 1540 Bedford Street, for variances under 175-47C to reduce driveway width to 12 feet; under 175-43A for 9-ft wide parking spaces; under 175-21A (4) for eight 1-bedroom residences; and under 175-66A to approve tree plantings per submitted landscaping plan, to allow existing dilapidated building to be razed and replaced with new residential dwellings at 1080 Washington Street. The property is located on Assessors Map 39 Lot 70, in the R30 District. Voting members: John Shepard, James Haney, William Mullen.

Atty. Shawn Reilly attended with Steve Gosselin. Mr. Gosselin renovates older buildings and enhances them. One of the signatures of his work is the landscaping, the street view of his properties; his wife is a landscape architect. This property is across from Frolio School, and has sat vacant for many years. This proposal is subject to receiving approvals; he would purchase the property, tear down existing building and construct new building.

They are requesting eight one-bedrooms, 12' minimum driveway and 9' parking spaces. They are trying to downsize and enhance the proposal. Mr. Gosselin has met with some of the direct abutters and has sent them copies of the plan. The variance for driveway - supposed to maintain 24' driveway on this property. They feel it is a waste of pavement of what could be grass or bushes. They are proposing 20' driveway at Washington St., but then it goes to 12' width, which is a typical driveway. This would reduce pavement and expand lawn area. Parking would be hidden by building. Bylaws require 10' spaces; they are requesting 9' spaces. It is a residential use, this allows them to minimize the amount of pavement, and this increases buffer around the property. Proposal complies with # of parking spaces required. The landscape buffer proposal is typical of what you would see. The topography on this property shifts. There is existing retaining wall on property. They would be maintaining that retaining wall, and there is an existing swale that goes along their property line between the two properties. They are proposing evergreens on top of retaining wall to screen as vegetated buffer. They will retain as many of the trees

as possible. They will plant evergreens in between existing trees. They think this will be a better look and provide a much better screen. There are trees at rear, and they will be planting more trees. Current building is 37' from street; the proposed building will be 75' from street. Proposed building is about 14' from the Aylward side, and approximately 40' from the other side. The setbacks will be more than what the by-laws require. As you drive down Washington Street, you won't see the building up front, you would see 75' of lawn and the street trees they are required to plant. Parking is all in the rear. Seoane is the abutter to the rear. The landscaping should block lights from cars coming in or out of driveway from the abutting properties.

They will have to go to the Planning Board at a later date. They will review everything in even greater detail. They will have to submit drainage calculations. There is no drainage on this property now other than the swale. They are required to install storm water management system on property so that any rainwater that falls on this property, they would have to gather and collect and recharge into the ground so it won't run off the property. They also have to show photometrically that there are no lights being planned that would shine in the neighbors' yards. For residential use, it would be typical lighting at the entrance ways.

They will be one bedroom units only. Steve has shown this is a successful combination for him because one bedroom units don't bring in kids, don't bring in multiple cars or multiple people. You can tell by the quality of the tenants' automobiles on his properties the quality of the tenants. Atty. Reilly disclosed his mother is a tenant in one of Steve's buildings. There will be hardwood floors, nice windows, air conditioning. They feel this will be an improvement over what is there. Will be nice attractive building. Doesn't feel it will take away any values to any neighbors. There is already an 8 unit building down two lots. This won't generate much traffic and parking is in rear. If they don't get the variances, they would have to put in 20' driveway, which would be of minimal benefit to anyone. The landscaping plan speaks for itself; they are maintaining buffer for privacy for themselves as well as neighbors. An example of what the façade would look like can be seen in his projects in North Abington Center.

Mr. Haney – asked about impervious surface. Atty. Reilly – that has to go to Planning Board and will be reviewed by engineers for the Town. Anything more than a two family has to go to the Planning Board.

Open to floor:

Allan Carlson, 1083 Washington Street - why eight apartments? Area is single family homes. Would like to keep it as it is. They are right across the street from this property. Against the project. Their house is next to the Frolio.

Marjorie Lescynski, 1094 Washington Street - has been there for over 50 years and wants a single house.

Bob Morse, 1100 Washington Street – as much as he wants something done with the dilapidated property, wants single family neighborhood. It is zoned that way for a reason.

Marion Carlson, 1083 Washington Street – their home is over 200 years old, with an acre of land. They don't know what their property would be worth once this building is across the street. They've already

had one break-in and are now concerned with type of tenants who would be moving in. Implied that the board's "hands were greased" and they "didn't give a crap". Concerned with lower property values. Doesn't feel neighbors have any clout. They have done a lot to fix their house up and live directly across from this.

After Mrs. Carlson expressed her concerns and opposition for several minutes, Mr. Haney asked to go on with the hearing, but appreciated her being emotionally charged on this issue.

Mr. Haney – didn't have an issue with landscaping, has a question on driveway, has an issue with 8 units. Putting sixteen cars in this area is too much. Mr. Shepard - doesn't see financial hardship because he hasn't bought property. It was two family before. Atty. Reilly - it's a legal two family, with six bedrooms. Mr. Shepard - character of neighborhood is an issue; there are nice homes in area. Thought brick throws look off. Steve Gosselin - it is aimed for professional people, white collar workers. He interviews tenants and knows who he is putting in the buildings. Mr. Mullen - concerned with 12' driveway in winter. Atty. Reilly - 12' driveway was an attempt to minimize pavement. They had to ask for it to have it discussed, to get some flexibility with board and neighbors as to how it would be laid out in final draft. Mr. Haney - landscaping is fine, driveway is something they can work through, but not number of units. Mr. Shepard – R-30 is for reasonably spacious residential environments; he has a problem with that. Mr. Haney – it's too much. Atty. Reilly - they understand what the board is saying. They are in negotiations with Mr. Leary, and what has brought him finally to the table is that the Board of Health is about to condemn property. He represents the buyer, not the seller. He understands the board's concern with number of units. They will renegotiate next week with Mr. Leary and re-approach the neighbors and re-approach the board with something similar but smaller. The numbers have to work for Mr. Gosselin; two units would not work. They are meeting with Sewer board as far as septic or sewer. Property is entitled to 500 gallons. Typically with new two bedroom units, they estimate about 100 gallons/unit, with one bedroom units, they estimate between 60 and 75 gallons. Eight units worked with their initial calculations.

Mr. Haney – has difficulty with number; volume of traffic would not be appropriate. Atty. Reilly - requested recess for 5 minutes at 8:05 p.m. After conferring with the petitioner and the feedback from the neighbors and the board, Atty. Reilly requested to withdraw the petition without prejudice. If he comes back before the board, it will be with a new plan and new application, or may not be back at all. Motion by Mr. Mullen to allow the petitioner to withdraw without prejudice, seconded by Mr. Shepard, unanimous.

Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Nancy Hurst