

**Zoning Board of Appeals Minutes
January 25, 2017**

Attendees:

Present: Andre Bissonnette, Chairman; Anthony Aveni, Member; and Brian Heath, Associate Member

Absent: Lucas Klim, Member

318 Broad Street – Variance, Section 6.30.A.1

Mr. Andre Bissonnette, Chairman, opened the continued hearing, and the following occurred:

1. Mr. John McCluskey, Esq., representing the applicant recapped the proposed project to the Board. Mr. McCluskey stated that his client will stipulate that he will only use the dwelling as a single-family home. Mr. McCluskey stated that the variance request meets all hardship criterions.
2. A letter dated December 21, 2016 from Andrew Delonno, Director of Community and Economic Development to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following:

“The current petition for a variance from chapter 6.30.A.2 of the Town of Bridgewater Zoning Code, seeks relief from the allowed uses in the Central Business District. While residential uses are currently only allowed in support of commercial development, e.g. mixed use, the immediate neighborhood has a distinctly residential development pattern. However, it is important to consider that the residential properties in the area are overwhelmingly owner occupied. As such, this office recommends that any relief granted from the allowable uses in the Central Business District stipulate conditions that allow only one owner occupied single-family residential use on the subject property. The Board should also consider a condition forbidding the creation of accessory in-law units on the subject property. Post-appeal period, the Zoning Board approval decision should be recorded as a restriction to the property in the Registry of Deeds with proof of recording submitted to the Board or designee. It is my understanding that these enumerated restrictions are acceptable to the petitioner and reflected in correspondence from his legal counsel to the Board. Conversely, this office recommends no practical or legal prohibition to the property owner’s future pursuit of commercial uses for the subject property or a redevelopment of the property through a mixed use special permit.”

3. Ms. Kelly McMorrow, abutter at 308 Broad Street, stated that is in support of the proposed project if it was owner-occupied residential property.
4. The Board reviewed and discussed all the facts as presented by the applicant and there were no further comments or concerns.

The hearing was closed. Mr. Anthony Aveni, Member, made a motion to approve a Variance under Section 6.12 and a Special Permit under Section 6.30.A.11 of the Bridgewater Zoning By-laws. Mr. Brian Heath, Associate Member, seconded the motion. The vote was recorded as follows: Andre Bissonnette, Chairman – in the affirmative; Anthony Aveni, Member – in the affirmative; Brian Heath, Associate Member – in the affirmative. The reasons for granting the variance and special permit were: 1) The size is a non-conforming lot, and onerous for a commercial use property, 2) The proposed use as single-family house lot would be in harmony with the general purposes and intent of the bylaw and will be in harmony with the neighborhood, and 3) The proposed use does not derogate from the intent of the by-law; and conditioned by the following: 1) The dwelling shall be used as a one owner occupied single family residential use, 2) No creation of an accessory in-law suite on the property, and 3) Proof of recording of the Zoning Board of Appeals decision.

2103 Old Plymouth Street – Use Variance, Section 6.30.A.4

Mr. Andre Bissonnette, Chairman, opened the hearing by way of reading the public hearing notice into the record to review an application filed by Mr. Howard Dodd, 2103 Old Plymouth Street, Bridgewater, MA 02324, who sought a special permit under Section 6.30.A.4 of the Bridgewater Zoning By-laws to allow a multi-family dwelling in an Industrial A zone. Said property is owned by Mr. Howard Dodd and is located at 2103 Old Plymouth Street, Bridgewater, MA as shown on Assessor's Map 27, Parcel 7. Area is zone Industrial A. Notice of the hearing was mailed to all abutters and parties of interest as required by statute and was published in *The Enterprise* on January 11, 2017 and January 18, 2017. Notice was also posted on the Town Hall bulletin board and a copy was given to the Town Clerk. Board members present and voting were Andy Bissonnette, Chairman; Anthony Aveni, Member, and Brian Heath, Associate Member. Lucas Klim, Member, was absent. Chairman Andre Bissonnette opened the hearing with a reading of the public notice and the following information was given:

1. The application was filed with the Town Clerk on October 3, 2016.
2. Ms. Jane Brown, Administrative Clerk, read the abutter's listing into the record.
3. A letter dated November 28, 2016 from David Moore, Interim Building Commissioner/Zoning Enforcement Officer to Mr. Howard Dodd, 2103 Old Plymouth Street, Bridgewater, MA 02324, MA was reviewed by the Board and read into the record. It stated the following:

"This letter serves to confirm our conversation of 10/2/2016. The current permitted use of your property is for a day care business and one apartment. The current use of your property at 2103 Plymouth Street is in violation of the following town bylaws/ordinances: 6.30.A.4 Multifamily dwellings (Not allowed in an Industrial A Zone). You have 30 days from the receipt of this letter to cease the use in violation, to appeal my decision or to seek a variance through the Zoning Board of Appeals. If you have any further questions you may contact this office."

4. Mr. Howard Dodd presented the board with updated engineered plans dated June 15, 2007 entitled "*Building Permit Plan of Land on Old Plymouth Street in Bridgewater, MA*" as prepared by Professional Land Surveyor Associates were presented to the Board for their review.
5. Mr. Howard Dodd stated that the child care center, which was granted a special permit in 2007, has become defunct and he would to convert that business use to residential. Mr. Dodd stated that the existing addition was built for residential use with three floors, five bedrooms, five bathrooms, a living room and a full kitchen. Mr. Dodd stated that there was also a large parking area that would accommodate two families. Mr. Dodd also explained that the variance would be keeping with the character of the neighborhood, noting the existing duplexes, and condominium complex, as well as the shopping center businesses. Mr. Dodd provided pictures of the existing neighborhood for their review and the record.
6. A letter from Nick and Angelo's Pizza Place, abutters at 2105 Plymouth Street, was reviewed and read into the record, it stated the following: "*To Whom It May Concern, I am the owner of the shopping center next to Howard Dodd's property which includes Nick & Angelo's pizza. We've always had a good relationship as a business professionals and members of the community. We have several duplex properties in our area as well as a condominium complex. I definitely support Howard's property as being a duplex also. Thank you for your consideration, Sam Syrniotis*"
7. A letter from 106 Mini Mart, abutters at 2107 Plymouth Street was reviewed and read into the record, it stated the following: "*To Whom It May Concern, I have known Howard Dodd for many years as his employer and as his neighbor. I fully support his application to have his property legally designated as a duplex. It can only enhance the family environment of our area. Asad Laball*"
8. The Board reviewed and discussed all the facts as presented by the applicant and there were no further comments or concerns.

APPROVED: February 22, 2017

The hearing was closed. Mr. Anthony Aveni, Member, made a motion to approve a Use Variance under Section 6.30.A.4 of the Bridgewater Zoning By-laws. Mr. Brian Heath, Associate Member, seconded the motion. The vote was recorded as follows: Andre Bissonnette, Chairman – in the affirmative; Anthony Aveni, Member – in the affirmative; Brian Heath, Associate Member – in the affirmative. The reasons for granting the variance and special permit were: 1) The application has the support of the neighbors and is an appropriate use of the property, 2) It is harmony with the general purposes and intent of the bylaw and will be in harmony with the neighborhood, and 3) The proposed use does not derogate from the intent of the by-law.

124 Broad Street – Variance, Section 8.40

Mr. Andre Bissonnette, Chairman, opened the continued hearing. A letter dated January 24, 2017 from Anthony Guba, Engineer, A.L. Prime Energy Consultant, Inc. to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following:

“Please accept this letter as a request to withdraw our petition without prejudice. The Bridgewater Planning Board voted to approve our Special Permit application at their hearing on January 18th. The approved layout places the proposed building at a location that does not violate any setback. Therefore, relief from the rear setback is no longer required. Please let us know what, if anything, additional you require in order to vote on this request.”

Mr. Anthony Aveni, Member, made a motion to accept the applicant’s require for a withdrawal. Mr. Brian Heath, Associate Member, seconded the motion. VOTE: All in favor, none opposed.

334 Walnut Street – Special Permit Section 6.30.A.11 and Variance, Section 6.12

Mr. Andre Bissonnette, Chairman, opened the continued hearing, and the following occurred:

1. Mr. Michael Koska, Professional Engineer, from Koska and Associates, representing the applicant recapped the proposed project and presented updated engineered plans dated November 8, 2016 entitled *“Estate Lot Layout Plan, Map 51, Lot 3 and Lot 4, Walnut Street, Bridgewater, Massachusetts”* as prepared by Michael J. Koska and Associates, Inc., 98 Broad Street, Bridgewater, MA and presented to the Board for review.
2. Mr. Andre Bissonnette, Chairman, stated that he reviewed the intent of the bylaw with Mr Mark Gildea, Town Counsel. Mr. Bissonnette also reviewed the letter of support dated November 2, 2016 from Andrew Delonno, Director of Community and Economic Development.
3. The Board reviewed and discussed all the facts as presented by the applicant and there were no further comments or concerns.

APPROVED: February 22, 2017

The hearing was closed. Mr. Anthony Aveni, Member, made a motion to approve a Variance under Section 6.12 and a Special Permit under Section 6.30.A.11 of the Bridgewater Zoning By-laws. Brian Heath, Associate Member, seconded the motion. The vote was recorded as follows:

Andre Bissonnette, Chairman – in the affirmative
Anthony Aveni, Member – in the affirmative
Brian Heath, Associate Member – in the affirmative

The reasons for granting the variance and special permit were:

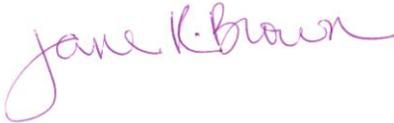
1. The site meets the size and dimensions of the bylaw: the lot contains 154,608 sq feet of land area, contains a minimum of 30' frontage and maintains a 20' width for access throughout.
2. The proposed use as single-family house lot would be in harmony with the general purposes and intent of the bylaw and will be in harmony with the neighborhood.
3. The proposed use does not derogate from the intent of the by-law.

Zoning Board of Appeals Business

There was no Zoning Board of Appeals business for discussion.

Anthony Aveni, Member, made a motion to adjourn the regular meeting at 9:00pm. Mr. Brian Heath, Member, seconded the motion. VOTE: All in favor, none opposed. Chairman Andre Bissonnette closed the meeting. Next Zoning Board of Appeals meeting will be held on February 22, 2017 at 7:30pm in the Council Chambers located on the second floor of the Municipal Office Building, 66 Central Square, Bridgewater.

Respectfully submitted,



Jane K. Brown
Administrative Clerk