

Town of Mansfield
Zoning Board of Appeals
Meeting Minutes
April 9, 2019

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Present: Elisabeth Garber-Miller, Chair; Darlene Pruitt, Clerk; Philip Shannon; Matthew Cummings; Eric Correira;

MANSEFIELD
MASSACHUSETTS

Guests: John Hughes, Anna Hughes, Dennis Philbrook, Tony Sabatino, Warren Baker,

1. Meeting called to order at 7:30 pm.

The meeting of the Mansfield Zoning Board of Appeals was called to order by Chair Elisabeth Garber-Miller at 7:30pm

2. Variance Public Hearing – 10 Donovan Lane – Sideyard Setback – Hughes

The chair read the public hearing notice on the petition of Anna and John Hughes for a Variance from Zoning By-Law Section 230-4.2.A, Side Yard Setback, for the construction of an addition with an 18.3-foot sideyard setback where 25 feet is required at 10 Donovan Lane (Assessors Map 8, Parcel 68) in the Residential 1 (R1) zone.

The following documents were introduced at the public hearing:

- Copy of public hearing notice, which ran in the Mansfield News on March 22, 2019 and March 29, 2019;
- Application for Variance, filed with the Town Clerk's Office on February 13, 2019
- "Zoning Plan 10 Donovan Lane" dated January 8, 2019 and prepared by Hutchins-Trowbridge Associates, Inc.

Michael Trowbridge, Hutchins-Trowbridge Associates, Inc. and homeowners Anna and John Hughes were present.

Mr. Hughes explains they're looking to install an addition onto their house. He says they love the neighborhood and would like to stay there but need additional space. He's looking to add an additional bathroom and there will be minimal plumbing required.

Ms. Garber-Miller asks if it's a full bath. Mr. Hughes says yes. Mr. Shannon asks if this is a two-story addition. Mr. Hughes says yes. Mr. Shannon asks if it's a little higher than the existing. Mr. Hughes says the architect explained if it's bumped up a little it'll minimize support. Mr. Gallagher asks if there are any wetland restrictions on the lot. Mr. Hughes says no. Mr. Cummings asks if there is any reason why they can't build behind the house. Mr. Hughes says it wouldn't work. Mr. Cummings asks if they could have the storage area behind the addition as that's the concern with the setback. Mr. Hughes says it's going to make it so they can have extra closet space and the bathroom upstairs. Mr. Cummings asks if there's any hardship with the lot. Mr. Hughes says the lot narrows because it's set far back on a hill. Mr. Gallagher asks about the condition of the space behind the house. Mr. Hughes says it's all flat with a deck and patio area.

Ms. Garber-Miller fields for comments or questions from the audience. Mr. Philbrook says he has no objections. He says they're very good neighbors with a growing family and he'd hate to see them move. He says all the neighborhood kids play together. Mr. Sabatino agrees with Mr. Philbrook's statement and reiterates that they'd like to keep their neighbors.

Mr. Shannon asks if they are on septic. Mr. Hughes says yes. Mr. Shannon says if the septic was on the other side this would've helped. He asks if there is a ledge of any kind. Mr. Hughes says the entire front area is a ledge. He says he also tried to build a pool but was unable to due to a ledge.

Mr. Gallagher asks if they've investigated building behind the house. Mr. Hughes says they would lose the whole side yard. He says he's tried to have a pool installed but they were told he's unable to do that. He says he would have the same issue trying to build the addition behind the house. Mr. Gallagher says if they had a statement saying it's unbuildable back there they could provide a variance based on that. Mr. Hughes says other neighbors have had these types of variances approved. Ms. Garber-Miller says they don't have information on why those variances were approved. She says if his goal is more space for his family, then he can still provide this by eliminating the 7-foot breezeway from the plan. Mr. Hughes says if he can't build the addition then he will place his house for sale. Ms. Garber-Miller says he has not provided the Board with information to meet the hardship requirement. Mr. Cummings says since there's plenty of room in the back to build the addition or they could remove the 7-foot breezeway. Ms. Pruitt asks if they'd be willing to continue the hearing. Mr. Gallagher explains the ability to continue the hearing. Mr. Shannon says if they were able to redesign the plan to reduce the space that it would help.

Mr. Hughes says most every other house in their neighborhood is designed this way. Ms. Garber-Miller says she drove through the neighborhood earlier and that this is not the case. She says there are ways to accomplish what they're looking to accomplish without going over the set back. She explains it's not always for current neighbors but also for potential neighbors. She says it's the breezeway that is creating the need for a variance.

Mr. Hughes requests a continuation of the hearing.

3. Correspondence

1. March 19, 2019 letter from Attorney Warren Baker re: Sale of Cedar Heights [Chapter 40B Comprehensive Permit on Connors Avenue];
April 8, 2019 letter from Attorney Rodney G. Hoffman, Brooks & DeRensis, Town Counsel's office;
April 8, 2019 memo from Shaun P. Burke, Director of Planning and Development

Ms. Garber-Miller verifies this is in regards to the sale of Cedar Heights. She says she's forwarded the request to Town Council and they were instructed to ensure the requirements put forth in the motion are followed.

Mr. Baker says they're closing on Thursday and that the name of the entity will be changed. He says the technical name will be Mansfield Apartments One, LLC.

Motion: To approve the proposed change in the principals of the grantee of the Cedar Heights Comprehensive Permit with the following conditions:

- The transferee will be a Limited Dividend Organization within the meaning of 760 C.M.R 56.02;
- The transferee will comply with the affordability guidelines set forth in the Comprehensive Permit;
- The transferee will enter into a Monitoring Services Agreement with an appropriate agency; and
- The transferee will continue to contribute to the Housing Support Fund as set forth in the Comprehensive Permit.

**Motion made by Mr. Cummings, 2nd by Ms. Pruitt;
5 in favor. 0 opposed. 0 abstentions. PASSES**

2. March 12, 2019 minutes

Item tabled until next meeting.

3. Discussion with Mark Tarlton re: Article 37 - Citizens' Petition 2019 Annual Town Meeting

Article 37: To amend the Town's Zoning Bylaw, Chapter 230, to the extent necessary to change the Schedule of Principal Use Regulations, Section 4.2B, of the Zoning By-laws for the Central Business District, B1, and the Downtown Mixed Use District, B2, as shown below of the Zoning Bylaw, Schedule 4.2B, Density and Dimensional Regulations Business and Industrial Districts to provide a Maximum Building Height By Right of 36 for the Central Business District, B1, and the Downtown Mixed Use District, B2.

No representation for this discussion present. No discussion had.

4. Adjournment

Motion: To adjourn at 8:18 p.m. (Mr. Shannon – Ms. Pruitt) All in favor. PASSES

Date of next meeting: May 21, 2019 at 7:30 p.m.



Darlene Pruitt, Clerk



Date