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**Zoning Board of Appeals Minutes
June 2, 2020**

MEETING HELD VIRTUALLY USING GOTOWEBINAR PLATFORM

Present: Elisabeth Garber-Miller, Chair; Darlene Pruitt, Clerk; Eric Correira, Matthew Cummings, Alternate Members Ryan Maxwell and Matthew List
Christopher George, Minutes Clerk

The chair read the following notice:

Whereas both the Federal Centers for Disease Control and Prevention and the Massachusetts Department of Public Health have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19, Governor Baker has issued an order suspending certain provisions of the Open Meeting Law, Massachusetts General Law c. 30A, §20.

In order to satisfy the Open Meeting Law requirements, today's Town of Mansfield Planning Board meeting will available for to public via GoToWebinar and Mansfield Cable. The instructions for joining via GoToWebinar are in the Meeting Notice on the Town's Website at www.mansfieldma.com and then clicking on today's date on the calendar.

1. Zoning Board of Appeals Meeting called to order at 7:30 p.m.

2. Variance Public Hearing – 10 & 30 Reservoir Street – Signs

The chair read the public hearing notice for the application of Reservoir Landing, LLC for Variances from Section 230-4.7 B, Signs, of the Zoning By-Law to allow a monument sign to be 26' high where 15 feet high is allowed and to be 288 square feet in size where 30 square feet is allowed at 10 & 30 Reservoir Street (Assessor's Map 36, Parcels 1 and 2) in the Industrial 1 (I1) zone.

The following documents were introduced at the public hearing:

- Application for Variance, filed with the Town Clerk on March 4, 2020;
- Copy of the public hearing notice, published in the *Mansfield Journal-News Independent* on May 19, 2020 and May 26, 2020;
- Plan titled "Lot 2 Reservoir Landing 10 & 30 Reservoir Street Mansfield, MA Variance Application Plan" dated February 27, 2020, prepared by RiverHawk Environmental.

Mr. Maxwell was appointed to participate in the public hearing.

Marco Crugnale, property owner and Robert Rego, RiverHawk Environmental, were present.

Public Comment

The chair read the following notice:

It is important to us that you have a platform for your questions and comments during this meeting, therefore to ask questions or make a public comment during tonight's virtual meeting you must have registered and joined the meeting via GoToWebinar where you now have the ability to submit your question or comments through the questions option in your control panel, or you can use the raise your hand option to be allowed to speak.

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As with any public hearing we ask you to be respectful of the Board members and the other residents who are making their comments by patiently and quietly waiting your turn. Thank you.

After lengthy discussion and numerous questions about the number and size of the signs involved in this application, the following vote was taken:

Motion: To continue the public hearing to June 16, 2020 (Cummings-Pruitt)

Maxwell – In favor

Correia – In favor

Cummings – in favor

Pruitt- In favor

Garber-Miller – In favor

Five (5) in favor. Zero (0) Opposed. Zero (0) Abstentions. PASSES

[NOTE: This variance application was withdrawn at the July 16, 2020 Zoning Board of Appeals meeting]

3. Variance Public Hearing – 10 & 30 Reservoir Street – Lot Changes

The chair read the public hearing notice for the application of Reservoir Landing, LLC for a Variance from Zoning By-Law Section 230-4.2A, Density and Dimensional Regulations: Residential Districts, Lot Frontage, Lot Area, Lot Width and Minimum Open Space, for the creation of three separate lots within the approved site at 10 & 30 Reservoir Street [Map 36, Parcels 1 and 2 in the Industrial 1 (I1) zone. Lot 2A would require a variance to allow a lot size of 39,793 square feet where 40,000 square feet is required; to allow frontage of 41.63 feet where 200 feet is required; and to allow minimum open space of 2% where 30 percent is required. Lot 2B would require a variance to allow a lot size of 29,516 square feet where 40,000 square feet is required; to allow frontage of 67.98 feet where 200 feet is required; to allow a side setback of 14.5 feet where 20 feet is required; and to allow minimum open space of 2% where 30% is allowed. Lot 2C would require a variance to allow a lot size of 38,216 square feet where 40,000 square feet is required; to allow frontage of 152.19 feet where 200 feet is required; to allow a side setback of 15 feet where 20 feet is required; and to allow minimum open space of 2% where 30% is allowed.

The following documents were introduced at the public hearing:

- Application for Variance, filed with the Town Clerk on March 4, 2020;
- Copy of the public hearing notice, published in the *Mansfield Journal-News Independent* on May 19, 2020 and May 26, 2020;
- Plan titled “Lot 2 Reservoir Landing 10 & 30 Reservoir Street Mansfield, MA Variance Application Plan” dated February 26, 2020, prepared by RiverHawk Environmental;
- May 28, 2020 letter from Attorney Christopher Alphen, representing Rumford LLC, in

opposition to the variance application.

Mr. Maxwell was appointed to participate in the public hearing.

Marco Crugnale, property owner and Robert Rego, RiverHawk Environmental, were present.

Public Comment

The chair read the following notice:

It is important to us that you have a platform for your questions and comments during this meeting, therefore to ask questions or make a public comment during tonight's virtual meeting you must have registered and joined the meeting via GoToWebinar where you now have the ability to submit your question or comments through the questions option in your control panel, or you can use the raise your hand option to be allowed to speak.

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As with any public hearing we ask you to be respectful of the Board members and the other residents who are making their comments by patiently and quietly waiting your turn. Thank you.

After lengthy discussion and numerous questions about the proposal, Ms. Garber-Miller closed the public hearing.

Motion: To approve the application of Reservoir Landing, LLC for a Variance from Zoning By-Law Section 230-4.2A, Density and Dimensional Regulations: Residential Districts, Lot Frontage, Lot Area, Lot Width and Minimum Open Space, for the creation of three separate lots within the approved site at 10 & 30 Reservoir Street [Map 36, Parcels 1 and 2 in the Industrial 1 (I1) zone. Lot 2A would require a variance to allow a lot size of 39,793 square feet where 40,000 square feet is required; to allow frontage of 41.63 feet where 200 feet is required; and to allow minimum open space of 2% where 30 percent is required. Lot 2B would require a variance to allow a lot size of 29,516 square feet where 40,000 square feet is required; to allow frontage of 67.98 feet where 200 feet is required; to allow a side setback of 14.5 feet where 20 feet is required; and to allow minimum open space of 2% where 30% is allowed. Lot 2C would require a variance to allow a lot size of 38,216 square feet where 40,000 square feet is required; to allow frontage of 152.19 feet where 200 feet is required; to allow a side setback of 15 feet where 20 feet is required; and to allow minimum open space of 2% where 30% is allowed.

(Cummings-Pruitt)

The board discussed the fact that there is no hardship described in the application. Ms. Garber-Miller noted the application indicates the project would not change from what was approved by the Planning Board if the variance application were to be denied. She said she does not feel the need for such a significant reduction in the open space so significantly was addressed.

Correira – Opposed

Maxwell – Opposed
Cummings – Opposed
Pruitt- Opposed
Garber-Miller – Opposed

Zero (0) in favor. Five (5) Opposed. Zero (0) Abstentions. FAILS

[NOTE: On July 16, 2020, the Zoning Board of Appeals reconsidered its vote to deny this variance application; the application was then withdrawn.]

4. Variance/Finding Public Hearing - 58 Otis Street – Scenic Road Setback - Ripple Development Group, LLC

The chair read the public hearing notice on the petition of Ripple Development Group, LLC for a Variance/Finding from Zoning By-Law Section 230-4.2.A, Front Yard Setback, for the construction of a garage with a 54.2-foot front yard setback where 75 feet is required on a scenic road; and Section 230-7.2B(4), Findings, for the change, extension, alteration or reconstruction of a pre-existing, non-conforming structure at 58 Otis Street (Assessor's Map 7 Parcel 46) in the Residential 1 (R1) zone.

The following documents were introduced at the public hearing:

- Application for Variance, filed with the Town Clerk on March 12, 2020;
- Copy of the public hearing notice, published in the *Mansfield Journal-News Independent* on May 15, 2020 and May 22, 2020;
- Plan titled "Proposed House Addition at 58 Otis Street, Mansfield, MA" dated March 12, 2020 and revised June 1, 2020, prepared by RIM Engineering Co., Inc.

Mr. Maxwell was appointed to participate in the public hearing.

Owner James Guerrier was present and explained the request for a variance from the requirement for a 75-foot front yard setback on a scenic road. He said he purchased the property, which is in complete disarray, in January 2020, and planned a two-car garage addition. His engineer, RIM Engineering, notified them Otis Street is a scenic road and requires a 75-foot front yard setback. He noted the back of the existing foundation is 75 feet from Otis Street, so the existing structure meets the scenic road setback requirement. He said the existing structure meets the side and rear setbacks and said 90% of the houses on the street have a garage and this addition would match the aesthetic of the neighborhood.

Board Comment

Mr. Cummings asked if the front steps would be going closer to the setback; Mr. Guerrier said the existing structure's front and side setbacks will not be changed.

Ms. Garber-Miller said this addition does not appear to be closer to the street than the existing structure. Mr. Guerrier said that is true. He said the proposed garage would be about two feet further back on the side than the existing structure.

Ms. Garber-Miller asked when the house was constructed; Mr. Guerrier said he believes it was constructed in 1965. Ms. Garber-Miller said that was before Otis Street was designated a scenic road, and said most of the houses on the street are closer than 75 feet. Mr. Guerrier said that is

true and he believes the intention of the scenic road by-law is to protect the trees along the street. He said if it wasn't for the scenic road setback, the property would not need a variance.

Public Comment

The chair read the following statement:

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There was no public comment.

Ms. Garber-Miller closed the public hearing.

Mr. Cummings made the motion that the request for a Finding at 58 Otis Street is an increase in the pre-existing, non-conforming condition. Ms. Pruitt seconded the motion.

Maxwell – In favor

Correira – In favor

Cummings – in favor

Pruitt- In favor

Garber-Miller – In favor

Five (5) in favor. Zero (0) Opposed. Zero (0) Abstentions. PASSES

Mr. Cummings made the motion that the increase in the pre-existing, non-conforming condition, in accordance with the Plan titled "Proposed House Addition at 58 Otis Street, Mansfield, MA" dated March 12, 2020 and revised June 1, 2020, prepared by RIM Engineering Co., Inc. is no more detrimental to the neighborhood than the current condition. Ms. Pruitt seconded the motion.

Maxwell – In favor

Correira – In favor

Cummings – in favor

Pruitt- In favor

Garber-Miller – In favor

Five (5) in favor. Zero (0) Opposed. Zero (0) Abstentions. PASSES

5. Finding Public Hearing – 106 Walnut Street – Front Yard Setback - Santana

The chair read the public hearing notice on the petition of Carlos and Vicki Santana for a Finding from Zoning By-Law Section 230-4.2.A, Front Yard Setback, for the construction of an addition with a 20.1-foot front yard setback and a front stoop with an 18-foot front yard setback where 30 feet is required; and Section 230-7.2B(4), Findings, for the change, extension, alteration or reconstruction of a pre-existing, non-conforming structure with less than the required front yard setback at 106 Walnut Street (Assessor's Map 8 Parcel 62) in the Residential 2 (R2) zone.

The following documents were introduced at the public hearing:

- Application for Variance, filed with the Town Clerk on March 13, 2020;
- Copy of the public hearing notice, published in the *Mansfield Journal-News Independent* on May 15, 2020 and May 22, 2020;
- "Plot Plan 106 Walnut Street" dated November 19, 2019, prepared by Hutchins-Trowbridge Associate, Inc.

Homeowners Carlos and Vicki Santana were present and explained they have been working with an architect on how to make the space more usable. Mr. Santana explained there are two bedrooms on the second floor and a third bedroom on the first floor. They want to make three bedrooms upstairs and an office or playroom downstairs with a master bedroom above. He said the proposal would be the most aesthetically pleasing and allows the most square footage and best flow.

Board Comment

Ms. Garber-Miller asked if the addition would be any closer to the garage; Mr. Santana said it would not be. He said the front steps are existing, so they will just be building a roof over them.

Public Comment

The chair read the following notice:

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As with any public hearing we ask you to be respectful of the Board members and the other residents who are making their comments by patiently and quietly waiting your turn. Thank you.

There was no public comment.

Ms. Garber-Miller closed the public hearing.

Mr. Cummings made the motion that the request for a Finding at 106 Walnut Street is an increase in the pre-existing, non-conforming condition. Ms. Pruitt seconded the motion.

Maxwell – In favor
Correira- In favor
Cummings – In favor
Pruitt – In favor
Garber-Miller – In favor.

Five (5) in favor. Zero (0) opposed. Zero (0) abstentions. PASSES.

Mr. Cummings made the motion that the increase in the pre-existing, non-conforming condition, in accordance with the “Plot Plan 106 Walnut Street” dated November 19, 2019, prepared by Hutchins-Trowbridge Associate, Inc. is no more detrimental to the neighborhood than the current condition. Ms. Pruitt seconded the motion.

Maxwell – In favor
Correira- In favor
Cummings – In favor
Pruitt – In favor
Garber-Miller – In favor.

Five (5) in favor. Zero (0) opposed. Zero (0) abstentions. PASSES

6. Correspondence and Minutes

Minutes December 17, 2019

Motion: To approve the minutes of December 17, 2019 (Pruitt-Cummings)

Correira – In favor
Cummings – In favor
Maxwell – In favor
Pruitt – In favor
Garber-Miller – In favor

Five (5) in favor, Zero (0) opposed. Zero (0) abstained. PASSES

7. Adjournment

Motion: To adjourn at 10:00 p.m. (Pruitt-Cummings)

Correira – In favor.
Cummings – In favor
Maxwell – In favor
Pruitt – In favor
Garber-Miller – In favor

Five (5) in favor. Zero (0) opposed. Zero (0) abstained. PASSES

Next Zoning Board of Appeals Meeting: June 16, 2020 at 7:30 p.m.


Signature of Clerk


Date of Approval