

**Zoning Board of Appeals Minutes**

**July 27, 2021**

**“HYBRID” MEETING HELD IN PERSON IN MEETING ROOM 3 A/B AND  
VIRTUALLY USING GOTOWEBINAR PLATFORM**

**Present:** Elisabeth Garber-Miller, Chair; Darlene Pruitt, Clerk; Eric Correira, Philip Shannon;  
Associate Member Ryan Maxwell

RECEIVED  
TOWN CLERKS OFFICE  
JUL 27 2021 P 2:34  
MANSFIELD  
MASSACHUSETTS

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

**2. Finding Public Hearing – 10 Atwood Street – Porch – Front Yard Setback – McIntyre**

The clerk read the public hearing notice for the application of David McIntyre for a Finding from Zoning By-Law Section 230-4.2.A, Front Yard Setback, for the construction of a front porch resulting in an 18.3-foot front yard setback where 30 feet is required at 10 Atwood Street (Assessor’s Map 18 Parcel 408) in the Residential 2 (R2) zone.

Ms. Garber-Miller appointed Mr. Maxwell to vote on this public hearing.

Owner David McIntyre and Craig Cygawnoski, RIM Engineering, were present. Mr. McIntyre explained the proposal for a farmers’ porch on the front of the house, which is currently 25 feet from the road. Mr. McIntyre said the house was built in 1950, prior to the adoption of zoning. He said several homes on the street have similar setbacks, so this would not stick out or be more detrimental to the neighborhood than the pre-existing, non-conforming house.

**Board Comment**

Mr. Shannon said this is a reasonable request.

**Public Comment**

There was no public comment.

Ms. Garber-Miller closed the public hearing.

**Motion:** That the request for a Finding at 10 Atwood Street is an increase in the pre-existing, non-conforming condition. (Pruitt-Maxwell)

Correira –In favor

Shannon –In favor

Maxwell – In favor

Pruitt – In favor

Garber-Miller –In favor

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

**Motion:** That the increase in the pre-existing, non-conforming condition, in accordance with the Plan of “Proposed House Addition at No. 10 Atwood Street Mansfield, MA” dated July 17, 2020, prepared by RIM Engineering Co., Inc. is no more detrimental to the neighborhood than the current condition. (Pruitt-Maxwell)

### DISCUSSION

Ms. Garber-Miller said this is consistent with other houses in the area.

Correira – In favor

Shannon – In favor

Maxwell – In favor

Pruitt – In favor

Garber-Miller – In favor

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

### **3. Finding Public Hearing – 21 Mill Street – Addition – Front Yard Setback - Ings**

The clerk read the public hearing notice for the application of William Ings for a Finding from Zoning By-Law Section 230-4.2.A, Front Yard Setback, for the construction of an addition on a pre-existing, non-conforming structure resulting in an 8.3-foot front yard setback where 30 feet is required at 21 Mill Street (Assessor's Map 35 Parcel 27) in the Residential 2 (R2) zone.

Ms. Garber-Miller appointed Mr. Maxwell to vote on this public hearing.

Owner William Ings and designer Paul Jodice were present.

Mr. Jodice explained the plan to replace the deck on the house that was built in the 1800s. Mr. Ings said they went to the Conservation Commission for the work required to tear down and replace part of the deck. When they started the work in 2014, they found rot in the deck, it had to be torn down and was not replaced. At this time, they would like to replace the deck. Mr. Ings said they are not proposing to increase the square footage, they are just replacing what was there.

#### **Board Comment**

Mr. Shannon said there had been a deck there; Ms. Garber-Miller said the issue is that the deck has not been there since 2014. Mr. Ings said they are still being assessed for the deck. Mr. Jodice said a lot of structural work had to be done to make the house safe, which was expensive.

Mr. Maxwell said the house is pre-existing, non-conforming.

Mr. Correira asked how far the existing front corner of the house is from the lot line; Mr. Ings said it will be about the same as the proposed 8 feet.

#### **Public Comment**

There was no public comment.

Ms. Garber-Miller closed the public hearing.

**Motion:** That the request for a Finding at 21 Mill Street is an increase in the pre-existing, non-conforming condition. (Pruitt-Maxwell)

Correira – In favor

Shannon – In favor

Maxwell – In favor

Pruitt – In favor  
Garber-Miller – In favor

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

**Motion:** That the increase in the pre-existing, non-conforming condition, in accordance with the “Zoning Plan 21 Mill Street” dated June 14, 2021, prepared by Hutchins-Trowbridge Associates,, Inc. is no more detrimental to the neighborhood than the current condition.

(Pruitt-Maxwell)

#### **DISCUSSION**

Mr. Shannon said Mr. Ings has been cleaning up this property for years.

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

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

#### **4. Variance Public Hearing – 30 Benefit Street – Addition - Side Yard Setback - Whitley**

The clerk read the public hearing notice for the application of Chris Whitley for a Variance from Zoning By-Law Section 230-4.2.A, Side Yard Setback, for the construction of an addition resulting in a 10.7-foot side yard setback where 15 feet is required at 30 Benefit Street (Assessor’s Map 20 Parcel 105) in the Residential 3 (R3) zone.

Ms. Garber-Miller appointed Mr. Maxwell to vote on this public hearing.

Owner Chris Whitley and designer Paul Jodice were present.

Mr. Jodice explained there is a paper portion of James Street between this property and the abutting property, which uses the paper street as a driveway. He said he spoke to the building inspector, who said because this abuts the paper street, this is a corner lot, which would require a 30-foot setback. He said they would like to add a two-car garage addition with living space above, which would be 30 feet away from the center line of the paper street but 10.7 feet from the edge of the unconstructed way. Mr. Whitley said he has a small garage on his property now.

#### **Board Comment**

There was no board comment

#### **Public Comment**

July 27, 2021 email from Chris Donovan, 211 South Main Street, in support of the proposal.

Ms. Garber-Miller closed the public hearing.

**Motion:** To grant a variance from Zoning By-Law Section 230-4.2.A, Side Yard Setback, for the construction of an addition resulting in a 10.7-foot side yard setback where 15 feet is required at 30 Benefit Street (Assessor's Map 20 Parcel 105) in the Residential 3 (R3) zone.  
(Pruitt-Maxwell)

### DISCUSSION

Ms. Garber-Miller said the hardship is the paper street, an issue that comes up with older houses on small lots. She said it is difficult to build anything without some type of relief.

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

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

### **5. Variance Public Hearing – 57 Shawmut Avenue – Side Yard Setback - Grogan**

The clerk read the public hearing notice for the application of Keenan and Shannon Grogan for a Variance/Finding from Zoning By-Law Section 230-4.2.A, Side Yard Setback, for the construction of an addition resulting in a 10.1-foot side yard setback where 15 feet is required at 57 Shawmut Avenue (Assessor's Map 24 Parcel 79) in the Residential 3 (R3) zone.

Ms. Garber-Miller appointed Mr. Maxwell to vote on this public hearing.

Owners Keenan Grogan and designer Paul Jodice were present.

Mr. Jodice presented a rendering showing the addition at the back of the pre-existing, non-conforming house. He said the house was built in the 1920s and the addition will not make the property any more non-conforming than it already is.

#### **Board Comment**

Ms. Garber-Miller asked if the existing deck on the left side of the house will be removed; Mr. Jodice said it would be. He said that deck is currently non-conforming with a 10.1-foot setback. When the deck is removed and the two-story addition built, that side of the house will have a 15-foot setback.

Ms. Garber-Miller asked the distance from the back of the addition to the back of the property; Mr. Jodice said it is 23.7' from the stairs to the rear left corner of the property. Mr. Grogan said he owns the 14,085 square foot lot behind his house, so there is approximately 100 feet behind the house.

The board discussed the need for a finding on the right side of the house.

#### **Public Comment**

Doug Dunn, 53 Shawmut Avenue, asked the location of the addition. Mr. Jodice explained the addition will go straight back from the existing house and not encroach further into the

pre-existing non-conforming 10.1-foot setback on the right side. Mr. Dunn said he is fine with it.

Ms. Garber-Miller closed the public hearing.

**Motion:** That the request for a Finding at 57 Shawmut Avenue is an increase in the pre-existing, non-conforming condition. (Pruitt-Maxwell)

Correia –In favor

Shannon- In favor

Maxwell – In favor

Pruitt – In favor

Garber-Miller – In favor

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

**Motion:** That the increase in the pre-existing, non-conforming condition, in accordance with the “Zoning Plan 57 Shawmut Avenue” dated June 14, 2021, prepared by Hutchins-Trowbridge Associates, Inc. is no more detrimental to the neighborhood than the current condition.

(Pruitt-Shannon)

#### DISCUSSION

Ms. Garber-Miller said the addition would not increase the existing non-conformity, and will go straight back on the property.

Correia –In favor

Shannon – In favor

Maxwell – In favor

Pruitt – In favor

Garber-Miller – In favor

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

#### **6. Variance Public Hearing – 60 Bird Road – Scenic Road Setback - Carroll**

The clerk read the public hearing notice for the application of Jonathan and Elizabeth Carroll for a Variance/Finding from Zoning By-Law Section 230-4.2.A, Front Yard Setback on a scenic road, for the construction of an addition resulting in a 71-foot front yard setback where 75 feet is required at 60 Bird Road (Assessor’s Map 39 Parcel 191) in the Residential 1 (R1) zone.

Ms. Garber-Miller appointed Mr. Maxwell to vote on this public hearing.

Owners Jonathan Carroll and Craig Cygawnoski, RIM Engineering, were present.

Mr. Cygawnoski explained the house was constructed in 1988, when the front setback requirement was 40 feet, and has a 50.2-foot setback. Bird Road became a scenic way, requiring a 75-foot setback, in 1997.

Mr. Cygawnoski explained the proposal for an addition at the back and a garage at the side for handicapped access to the existing house. He said they tried to push it back to meet the

75-foot setback, but the septic system is in the way. He said the hardship is the designation of the scenic road after the house was built.

**Board Comment**

Ms. Garber-Miller noted the plan shows a 70-foot setback on one side of the driveway and 71 feet on the other; Mr. Cygawnoski said that is due to a one-foot grade difference between the right and left sides of the driveway.

**Public Comment**

There was no public comment.

Ms. Garber-Miller closed the public hearing.

**Motion:** To grant a variance from Zoning By-Law Section 230-4.2.A, Front Yard Setback on a scenic road, for the construction of an addition resulting in a 71-foot front yard setback where 75 feet is required at 60 Bird Road (Assessor's Map 39 Parcel 191) in the Residential 1 (R1) zone.

(Pruitt-Maxwell)

Correira- In favor

Shannon – In favor

Maxwell – In favor

Pruitt – In favor

Garber-Miller – In favor

**DISCUSSION**

Ms. Garber-Miller said the scenic road was designated after the house was built, and there are many houses on the street much closer than this. She said the five-foot intrusion into the setback is *de minimus*.

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

**7. Correspondence and Minutes**

**8. Adjournment**

**Motion:** To adjourn at 8:45 p.m. (Pruitt-Maxwell)

Shannon – In favor

Correira - In favor

Maxwell – In favor

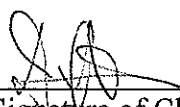
Pruitt – In favor

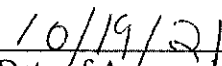
Garber-Miller –In favor

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

Next Zoning Board of Appeals Meetings: August 17, 2021 at 7:30 p.m.

September 21, 2021 at 7:30 p.m.

  
\_\_\_\_\_  
Signature of Clerk

  
\_\_\_\_\_  
Date of Approval