

Zoning Board of Appeals August 22, 2018 Meeting Minutes

Call to Order:

Mr. Anthony Aveni, Chairman, called the meeting to order in the Council Chambers located on the second floor of the Municipal Office building, 66 Central Square, Bridgewater at 7:02pm

Attendees:

Present: Anthony Aveni, Gerry Chipman, Member; Brian Heath, Acting Chair and Member; and Anna Klimas, Associate Member

Absent: Michael Mainvielle, Member

Staff Present: Steven Solari, Building Inspector and Jennifer Burke, Director of Community and Economic Development

Other: Ed Marchant, 40B Consultant

Burrill Place Apartments 40B

Mr. Brian Heath, Acting Chairman and Member, opened the continued public hearing and read a letter dated August 7, 2018 from Lawrence P. Silva, PE, SE, President, Silva Engineering Associates, PC into the record. It stated the following:

"Silva Engineering Associates (SEA) would like to withdraw without prejudice, the appeal of the Building Inspector's decision for this project. If you have any questions, please feel free to contact the office.)"

Mr. Gerald, Member, made a motion to accept the applicant's request for to withdraw without prejudice. Mr. Mcoiahel Mainvielle, Member, seconded the motion. VOTE: All in favor, none opposed.

0 Plymouth Street, Map 24, Parcel 50 and 51 – Appeal of Building Inspector's Decision

Mr. Brian Heath, Acting Chairman, read the public hearing notice into the read, it stated the following: *"The Zoning Board of Appeals will hold a public hearing on August 8, 2018 at 7:20pm on the second floor of the Municipal Office Building, 66 Central Square, Bridgewater on an application filed by Lawrence P. Silva (Representative), Silva Engineering Associates, P.C., 1615 Bedford Street, Bridgewater, MA 02324 seeking to appeal the Building Inspector's decision under section 11.23 of the Town of Bridgewater Zoning Bylaws that the Use Variance granted under § 6.30.A.4 in a decision letter filed with the Town Clerk's Office on January 31, 2017 has expired. Said property is owned by Erin Murphy, PO Box 82, Bridgewater, MA 02324 and is located at 0 Plymouth Street, Bridgewater, MA as shown on Assessor's Map 24, Parcel 50 and 51. Area is zoned Business B District."*

The abutter's listing is public record, therefore, Gerald Chipman, Member, motioned to waive the reading of the abutters list and Michael Mainvielle, Member, second the motion. The vote was unanimous.

Mr. Brian Heath, Acting Chairman, also read into the record a letter dated July 12, 2018 from Lawrence P. Silva P.E., S.E., President, Silva Engineering Associates, P.C., to the Zoning Board of Appeals in regards to 960 Plymouth Street – Bridgewater, it stated the following: *"On behalf of our client, Silva Engineering Associates (SEA) hereby petition your Board for an appeal of the Building Inspector's decision dated June 14, 2018. It is my professional opinion that the actions taken since August 2017, clearly relied on the issuance of the variance and are substantial, and did in fact exercise the variance. My client met frequently with the Building Inspector to ensure that his actions were in keeping with the variance and Mr. Murphy followed the Inspector's direction only to be told later that he has decided that the variance had expired. I look forward to discussing the details of this matter as the appeal is discussed at your next meeting."*

Mr. Brian Heath, Acting Chairman, also read into the record a letter dated June 14, 2018 from Steven Solari, Inspector of Buildings/Zoning Enforcement Officer, it stated the following: *"The use variance granted by the Zoning Board of Appeals for 0 Plymouth Street Map 24, Parcel 50 & 51 has lapsed. You had one year to exercise the use variance. The decision letter was filed on January 31, 2016. There have been no permits pulled or substantial amount of work done to this project. One of the conditions of the use variance was the removal of all the tires from the property under the supervision of a Licensed Site Professional (L.S.P.). You told me that some tires have been removed but there was no (L.S.P.) and no bill of lading provided. You have the right to appeal my decision to the Board of Appeals or reapply for the Use Variance. Applicable section of Zoning Bylaws 11.23 Zoning Board of Appeals. If you have any questions, please contact my office."*

Mr. Lawrence Silva requested that the Board to continue the hearing at this time. Mr. Gerald Chipman, Member, made a motion to accept the applicant's request for a continuance and continued the hearing to September 26, 2018 at 7pm. Mr. Michael Mainvielle, Member, seconded the motion. VOTE: All in favor, none opposed.

0 Plymouth Street, Map 24, Parcel 50 and 51 – Use Variance

Mr. Brian Heath, Acting Chairman, read the public hearing notice into the read, it stated the following: *"The Zoning Board of Appeals will hold a public hearing on August 8, 2018 at 7:00pm on the second floor of the Municipal Office Building, 66 Central Square, Bridgewater on an application filed by Lawrence P. Silva (Representative), Silva Engineering Associates, P.C., 1615 Bedford Street, Bridgewater, MA 02324 seeking to construct residential structures with shared access and utilities in the Business B zoning district. A use variance from Section 6.30.A.4 of the Bridgewater Zoning Bylaws is requested. Said property is owned by Erin Murphy, PO Box 82, Bridgewater, MA 02324 and is located at 0 Plymouth Street, Bridgewater, MA as shown on Assessor's Map 24, Parcel 50 and 51. Area is zoned Business B District."*

The abutter's listing is public record, therefore, Gerald Chipman, Member, motioned to waive the reading of the abutters list and Michael Mainvielle, Member, second the motion. The vote was unanimous.

Mr. Lawrence Silva is working with the Town Planner regarding comments that have been raised, and requested that the Board continue the hearing.

Mr. Gerald Chipman, Member, made a motion to accept the applicant's request for a continuance and continued the hearing to September 26, 2018 at 7pm. Mr. Michael Mainvielle, Member, seconded the motion. VOTE: All in favor, none opposed.

Zoning Board of Appeals Business

No Board Business was discussed.

Mr. Gerald Chipman, Member, made a motion to adjourn the regular meeting. Mr. Michael Mainvielle, Member, seconded the motion. VOTE: All in favor, none opposed. Mr. Brian Heath, Acting Chairman and Member, closed the meeting. Next Zoning Board of Appeals meeting will be held on August 22, 2018 at 7:00pm in the Council Chambers located on the second floor of the Municipal Office Building, 66 Central Square, Bridgewater.

Respectfully submitted,

Jane K. Brown
Administrative Assistant