

**Zoning Board of Appeals Minutes
November 14, 2018**

Attendees:

Present: Anthony Aveni, Chairman; Gerry Chipman, Member; Brian Heath, Member
Anna Klimas, Associate Member and Michael Mainvielle, Member

Absent: none

Staff Present: Stephen Solari, Building Inspector/Zoning Enforcement Officer
Jennifer Burke, Director of Community and Economic Development

One Three River's Drive –Variance

Mr. Anthony Aveni opened the public hearing on application by filed by to review an application filed by Kerry A. Buckley, 1 Three Rivers Drive, Bridgewater, MA 02324. Applicant seeks approval for a Variance under Section 2.96 of the Bridgewater Zoning Bylaws to allow the construction of a proposed in-law addition and common mud room area. The proposed addition will include 800 square feet of living area, up to 600 square feet is allowed; a variance to allow an additional 200 square feet of living area is requested. Said property is owned by Joshua and Kerry Buckley, 1 Three Rivers Drive, Bridgewater, MA 02324 and is located at 1 Three Rivers Drive, Bridgewater, MA as shown on Assessor's Map 14, Parcel 57. Area is zoned Residential C. Notice of the hearing was mailed to all abutters and parties of interest as required by statute and was published in *The Enterprise* on October 31, 2018 and November 7, 2018. Notice was also posted with the Town Clerk's office, as well as on the Town of Bridgewater website. Board members present, and voting were Mr. Anthony Aveni, Chairman; Mr. Brian Heath, Member; and Mr. Gerald Chipman, Member. Sitting, but not voting: Mr. Michael Mainvielle, Member; and Ms. Anna Klimas, Associate Member. The following information was given:

The application was filed with the Town Clerk on October 24, 2018. The abutter's listing is public record, therefore, Mr. Gerald Chipman, Member, motioned to waive the reading of the abutters list and Mr. Brian Heath, Member, second the motion. The vote was unanimous.

A letter dated September 28, 2018 from Mr. Steven Solari, Inspector of Buildings/Zoning Enforcement Officer to Joshua and Kerry Buckley was reviewed by the Board and read it into the record. It stated the following: *"I have reviewed your plans for a new in-law addition. The Town's zoning bylaw: 2.96 allows for only 600 square feet of in-law living area. Based on proposed plan. You will need to apply for Variance with the Zoning Board of Appeals for an area relief of 200 square feet. Applicable section of bylaw: 2.96 Expanded living Space (in-law living area). If you have any questions, please contact my office. If you have any questions, please contact my office."*

Ms. Rebecca Baptista, Silva Engineering Associates, P.C., representing the applicant, explained the scope of the project, as depicted on the engineered plans presented dated October 18, 2018, entitled *"Proposed Addition, Site: Assessor's Map 14, Lot 57, 1 three Rivers Drive, Bridgewater, MA"* prepared for Joshua and Kerry Buckley, and prepared by Silva Engineering Associates, P.C., 1615 Bedford Street, Bridgewater, MA, and architectural plans, sheets A-2 through A-4, dated September 22, 2018 entitled, *"New In-Law Addition for Buckley Residence, 1 Three Rivers Drive, Bridgewater, MA"*, as prepared by Custom Home Design, Inc, 66 Jerome Street, Berkley, MA.

Ms. Rebecca Baptista, Silva Engineering Associates, P.C., read into the record the justification for the variance request. It stated the following:

Project Description: The proposed project provides for an expanded living area or in-law apartment. The proposed addition is to the left side of the existing home in an area that is currently lawn. The proposed addition completed by Custom Home Design, Inc provides a 117 square foot common area and an 800 square foot in-law area. The design will result in 200 square feet above the allowed 600 square feet. The proposed addition will not require any setback relief. The home is currently served by municipal water and on-site septic. There will be minimal grade changes along the rear of the addition. **Proposed Findings:** The following factual findings relate to this proposed variance request: The existing home at 1 Three Rivers Drive is a 3-bedroom single family home with a septic designed for 4 bedrooms. The home is located in the Residential C Zoning District requiring 18,500 square feet. The house is located on an existing legal conforming lot with 18,513 square feet of area. The minimum lot frontage in Residential C is 125 feet, property has 155 feet of frontage along High Street and 122.52 feet along Three Rivers Drive. The minimum setbacks for front-35', side-20' and rear-30' are met or exceeded. The proposed addition would be 200 square feet larger than allowed requiring zoning relief. **Justification for Variance:** A variance if granted would provide a comfortable one level living area for a couple entering their golden years or an individual downsizing from a larger home of 30 years; allow for entertaining in their own personal area; and if the time comes and mobility becomes difficult, use of walkers, rollators or wheel chairs require extra room. The limitation of 600 square feet is the size of a 2-car garage and not a lot of room for a separate living space. Additional considerations:

Surrounding Town Requirements	
Halifax	No larger than 50% of first floor living space of the main residence or 900sf, whichever is greater
Middleboro	Less than 50% of the floor area of the single-family dwelling
Raynham	Not exceed the lesser of 750sf of gross floor area or 50% of the principal dwelling
Lakeville	No more than 33 1/3% of entire proposed structure and not to exceed 1,000sf
Whitman	No maximum requirement stated
Hanson	Designed to appear as a one family dwelling; maximum of 900 sf

A letter dated November 13, 2018 from Mike and Brenda Firth, 1185 High Street, Bridgewater, MA 02324 to the Zoning Board of Appeals was reviewed by the Board and read it into the record. It stated the following: *"This letter is to inform the Town of Bridgewater Zoning Board of Appeals, that we, Mike and Brenda Firth, neighbors of Josh and Kerry Buckley of 1 Three Rivers Drive, approve the proposed in-law addition and mud room of 800 square feet. Sincerely, Mike Firth"*

A letter dated November 13, 2018 from Jessica Wynn, 1155 High Street, Bridgewater, MA 02324 to the Zoning Board of Appeals was reviewed by the Board and read it into the record. It stated the following: *"This letter is to inform the Town of Bridgewater Zoning Board of Appeals, that we, Jessica and Brendan Wynn, neighbors of Josh and Kerry Buckley of 1 Three Rivers Drive, approve the proposed in-law addition and mud room of 800 square feet. Sincerely, Jessica Wynn"*

Mr. Steve Solari, Building Inspector, stated that the current bylaw is very restrictive and limiting on what can be built, and recommended that the variance be granted.

Ms. Jennifer Burke, Director of Community and Economic Development, spoke in support of the variance.

The Board reviewed and discussed all the facts as presented and there were no further questions or concern. Mr. Gerald Chipman, Member, made a motion to close the hearing. Mr. Brian Heath, Member, seconded the motion. VOTE: All in favor, none opposed. The hearing was closed. Ms. Gerald Chipman, Member, made a motion to approve the variance under Section 2.96 of the Bridgewater Zoning By-laws. Mr. Brian Heath, Member, seconded the motion. The vote was recorded as follows: Anthony Aveni, Member – in the affirmative; Brian Heath, Member – in the affirmative; Gerald Chipman, Member – in the affirmative. The reasons for granting the variance were: 1) The restrictive size of current zoning regulations, 2) The proposed addition would be in harmony with the general purposes and intent of the bylaw, 3) The proposed use does not derogate from the intent of the by-law.

Curve Street – Duxburrow Estates 40B

Mr. Anthony Aveni, Chairman, opened the continued public hearing from October 10, 2018.

The Board, along with Ed Marchant, 40B Technical Consultant; Rebecca Baptista from Silva Engineering; and the applicants from Stonebridge Homes Rami Itani and Muhammad Itani, reviewed in detail a draft decision.

The finalized draft decision letter was reviewed and discussed in detail, as presented.

The Board reviewed and discussed all the facts as presented and there were no further questions or concern. The hearing was closed. Mr. Brian Heath, Member, made a motion to approve and sign the Comprehensive Permit 40B decision letter, as discussed and presented. Mr. Gerald Chipman, Member, seconded the motion. VOTE: All in favor, none opposed

Zoning Board of Appeals Business

There was no Board Business for Discussion

Mr. Gerald Chipman, Member, made a motion to adjourn the regular meeting. Mr. Brian Heath, Member, seconded the motion. VOTE: All in favor, none opposed. Chairman Anthony Aveni, Chairman, closed the meeting. Next Zoning Board of Appeals meeting will be held on December 12, 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