

Zoning Board of Appeals Minutes 07/09/2014

MASHPEE ZONING BOARD OF APPEALS JULY 9, 2014 MEETING MINUTES

The Mashpee Zoning Board of Appeals held Public Hearings on Wednesday, July 9, 2014, at 6:00 p.m. in the Waquoit Room at the Mashpee Town Hall, 16 Great Neck Road North. Chairman, Jonathan D. Furbush, Vice Chairman, William A. Blaisdell, Clerk, Ronald Bonvie, Board Member Richard Jodka, and Associate Member Scott Goldstein were present and acting throughout. Building Commissioner Richard Morgan was also present.

Board Member James Reiffarth and Associate Member Dom DeBarros were absent.

Chairman, Jonathan Furbush opened the meeting at 6:00 p.m. and announced that the meeting was being televised live on local Mashpee television.

PLEDGE OF ALLEGIANCE

NEW HEARINGS

Jeffrey and Whitney Brown: Requests a Special Permit under §174-25.I (9) of the Zoning By-laws to allow for construction of a landing, stairs, pier, ramp and float, extending across a total of more than seventy feet of coastal beach, coastal bank, salt marsh, or bordering vegetated wetlands on property located in an R-3 Zoning District at 89 Whippoorwill Circle, (Map 125 Parcel 153), Mashpee, MA (Owner of record: Christopher J. and Ann J. Salvo, Trustees).

Joel Kubick, of Holmes and McGrath represented the petitioner requesting to extend the length of the existing pier and requires a new special permit. It's a reconfiguration of the existing float and was approved by the Conservation Commission. It was also reviewed by the Harbormaster and Shellfish Warden. It does not extend any further than the neighboring piers and is just to reach deeper water.

Jonathan asked if it impedes boat traffic. Mr. Kubick stated there is one mooring and the Harbormaster is not concerned.

Jonathan read comments submitted by email from the Harbormaster dated July 3, 2014; "Harbormaster has no issues". An email dated July 3, 2014; by Board of Health who has no comments, and an email dated July 3, 2014 from Drew McManus, in Conservation; "No issues".

There were no abutters present.

Mr. Bonvie made a motion to issue a Special Permit to Jeffrey and Whitney Brown for their pier extension. He referenced a plot plan prepared by Holmes and McGrath, Inc., Civil Engineers and Land Surveyors, 205 Worcester Court, Suite A4, Falmouth, MA. Plot Plan Titled; Plan of proposed pier modification prepared for Jeffrey & Whitney Brown for Lot 164, #89 Whippoorwill Circle, Mashpee, MA. Map 125, Parcel 153, DEP File #43, and Scale: 1" = 20', dated April 25, 2014, Revised on 4/30/14 and 5/12/14, Job No. 214081 DWG. No. 88-3-81, Sheet 1 of 2.

Richard Jodka, seconded, yes, Mr. Blaisdell, yes, Mr. Furbush, yes, and Mr. Goldstein, yes. All were in favor.

Kristin P. VanBeek: Requests a Written Finding under Article V §174-17 of the Zoning By-laws and M.G.L. Chapter 40A §6 concerning continuance, extension, or alteration of a pre-existing, non-conforming structure to allow for construction of a new single-family dwelling and garage with living space on property located in an R-3 Zoning District at 357 Monomoscoy Road, (Map 120 Parcel 19), Mashpee, MA.

Mr. Kevin Kirrane, represented the homeowner, Kristin Van Beek, at 357 Monomoscoy Road who has an application to alter and extend a pre-existing non-conforming structure. He provided the Board with photographs of the existing site conditions and adjacent properties in the neighborhood. As indicated in the application, there are two existing single-family residential structures highlighted in yellow on the plot plan. The existing structure consists of two single-family residential structures containing four (4) bedrooms and a small shed. The applicant is proposing to raze and replace the two existing structures and replace them with a single-family, three (3) bedroom structure and a garage structure with one (1) bedroom and living room space with no kitchen facilities.

The lot is a long narrow lot with only 50 feet of frontage on Monomoscoy Road, therefore constituting a non-conforming frontage and only has 21,000 plus square feet of lot area. The engineering plan depicts the existing dwelling closest to Little River being 6.1 feet from the Southwesterly property line, and 10.8 feet from the Northwesterly property line. The new proposed structure will continue the 10.8 foot dimension on the Northeastly property line, but will improve the setback on the Southeasterly line from 6.1 feet to 11 feet. Relative to the garage structure, the cottage structure is 8.4 feet from the Northwesterly property line and proposing to maintain the same 8.4 feet at the Northeastly location and will increase the setback from the Southwesterly property line which is currently 16.5 feet to 19.6, and conforming at 16.5, and will continue to be conforming, and retaining the same non-conforming condition on the property line to the North. The structure conforms to the setback criteria on Monomoscoy Road and is outside the 50 foot buffer of any wetland criteria. As shown on the plan, the overall use is reducing the intensity use on the lot, and improving the setback criteria. A new septic system will be installed on site as well.

Mr. Furbush asked if the elevation is 11 feet showing Zone A14. The plans do not show the overall height. Mr. Morgan said the flood zone changed and he will need confirmation of the overall height from the engineer and architect.

Mr. Goldstein wanted to know if the amount of steps indicated on the plan are considered part of the lot coverage. If more than two steps, it should be included and looks tall. According to Kevin, he believes it should be included if the first floor elevation is 15 feet. The shed is also included.

Mr. Kirrane stated he will have the engineering plans updated to show the actual dimensions.

Mr. Furbush read the Board of Health comments into the record; "Floor plans show a proposed three-bedroom dwelling and one bedroom above the proposed garage. Existing septic is new in 2011 for four bedrooms. BOH approves proposed floor plans."

Mr. Furbush read Conservation comments into the record; "approved the application".

Mr. Bonvie made a motion to issue a Written Finding to Kristen Van Beek for the proposed application of the raze and replace project. The following concerns and questions need to be addressed prior to issuing a building permit; the height of the main building, the railing on the stairs, the front porch railings and the patio added to the lot coverage on the plan and not exceeding 20%. Also making the motion, the Board finds that the dwelling is not substantially more detrimental than the existing non-conforming structure. The new dwelling will be an improvement and conform to current building code requirements, is compatible in size and character to other structures in the neighborhood and there is sufficient parking and setbacks as may be required. This is contingent upon and updated plot plan by BSS Engineering or confirmation by Mr. Kirrane that the additional lot coverage calculations are included on what was submitted. Mr. Furbush needs updated house plans as well.

Mr. Blaisdell seconded, yes, Mr. Furbush, yes, Mr. Jodka, yes, Mr. Goldstein, yes. All were in favor.

OTHER BUSINESS

Vote to Reorganize Board Members

Mr. Furbush announced that every year a vote is required to nominate a new Chairman, Vice Chairman, and Clerk. Mr. Jodka made a motion to nominate Mr. Furbush as the Chairman, Mr. Blaisdell, seconded, yes, Mr. Bonvie, yes, Mr. Goldstein, yes. Mr. Jodka made a motion to nominate Mr. William Blaisdell as the Vice Chairman, Mr. Furbush, seconded, yes, Mr. Bonvie, yes, Mr. Goldstein, yes. Mr. Blaisdell made a motion to nominate Mr. Bonvie as Clerk, Mr. Furbush seconded, yes, Mr. Jodka, yes, Mr. Goldstein, yes. All were in favor.

Approve June 25, 2014 Meeting Minutes

Mr. Goldstein made a motion to approve June 25, 2014 meeting minutes. Mr. Blaisdell, seconded, yes, Mr. Jodka, yes, Mr. Bonvie, yes, Mr. Furbush, yes. All were in favor.

Mr. Blaisdell made a motion to adjourn, Mr. Jodka, seconded, yes, Mr. Bonvie, yes, Mr. Goldstein, yes, and Mr. Furbush, yes. All were in favor.

Respectfully submitted;

Mary Ann Romero

Administrative Secretary
Zoning Board of Appeals