

August 4, 2008

Members present: J. Marot, B. Hoeg and Greg Kashigagian

Meeting called to order at 7:30 p.m.

### **ZBA Petitions**

**Michael Martowska/ Abutters** – Owners William & Mary Tribou - (4 Edgewater Drive) Bob lafrate – the abutters had a problem with the deck. It is the feeling of the abutters that the whole thing will end up being enclosed. The abutters are unhappy with my decision. Falconeiri showed the deck as he built it. I did not have a plan. There were no conditions attached to the permit. Greg – Is it on tubes. Bob I – It is on a slab. Jim signed off so they feel the town accepted it. Jim – I ma going to abstain. Greg – what are they asking for whether to recommend approval or not. Derek – we asked the ZBA to enforce the rules. Bob I – the screen porch is on the old foot plan. 6 feet enclosed and 6 feet open. 12 feet enclosed is not approved by the plan. The plan is exactly as it is built. Jim – I don't remember the plan and I don't remember a 3 story building. Greg – are you saying that the porch is the problem. Bob – the original plan had an option on it. Jim – I remember that Dominic requesting that he be allowed to go ahead on a 1 story on the existing foot print. This was the 1<sup>st</sup> floor and he wanted to cover it with the 2<sup>nd</sup> story. Greg – how big is the slab? Is it the same that was there? Bob I believe that this was after you were gone and that they dealt with Bob Darling on this and he doesn't remember it. Greg – is this a 3 season room? Bob – the concern is that it will become another room. Greg – is this a year round home? Bob – yes Jim – it is a 2 bedroom house. Bob – it is not a bedroom. Brian – I make a motion that we go against the appeal and stand behind the Building Inspectors decision. Jim – all in favor. Vote – 2 in favor 1 abstained.

### **Morneau – 133 Bedford Street**

Nancy – this is basically a case when it is a 3 bedroom but the taxes are being paid as though it is a 2 bedroom. Jim – it shows a 123 x 16 area on the 2<sup>nd</sup> floor. Nancy – Board of Health approved it for a 3 bedroom. Jim – I would take it as a 3 bedroom. I would recommend that we decline it. Greg – it is not close to the existing building. Brian – I have a problem with them making it in to a 4 bedroom. Brian – I make a motion that it be denied because it is excessive for the size of the lot. Bob – I think it is hard to design someone else's home. Greg – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

### **Jeffrey Arruda – 25 Beechwood**

Derek – we felt it was an incomplete application plus it has inadequate frontage. Bob – it is a non-conforming structure. Upstairs is a living room. Greg – I make a motion that we recommend disapproval of the application as it seems to be incomplete. Brian – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

### **Electronic Signs (hearing continuation)**

Nancy – it is not an isolated incident. He has 4 things that are against them. I found Jim – I found that state law says you can't advertise something you don't sell on a state highway. Greg – I think they need to have a better understanding. Nancy – Markson is not on a state highway. Jim – some of what is in this is already there. Bob will this apply only to the new applicants? The Police Chief does not have a problem with it. U. S. Transportation has an overview on how it should be used. A study has been done in several states including Massachusetts. It gives you a maximum of 10 seconds and a minimum of 4. I think they can abide by the rules. Brian – I think 10 and 4 is good. A letter from Chawner Hurd was read to the members by Jim. Derek – we never get involved with the signs. The use is approved by the ZBA. Bob – The Bridgewater Planning Board acts and have not had to hold a bond before the Occupancy Permit can be given. Brian – money is one thing but I am not sure about not being able to open the plaza. Derek – is there something the Planning Board does before the occupancy permit can be given. Bob will call Bill Markson concerning the current occupancy permit which will be expiring shortly. Derek – I believe that now is the time to talk to him. Jim – I would suggest that for the time being we approve what has been submitted. We need to have Town Counsel look into how we can prohibit the signs and if we will be able to have the existing sign abide by the new regulations or whether or not they will be grandfather. Brian – I would like to see a restriction on internally lighted signs. Jim – a lot do more demographic work and you can ask them to do more than they are willing. A good example is Walgreen's we were told you didn't push hard enough or you could have got more out of them. Derek – can we do it by special permit? Brian – I make a motion that we look into it further and request information from Town Counsel. – Greg – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous. Jim I would like to close the hearing and this time and once we have received the requested information from Town Counsel we can then vote on the by-law.

### **Accessory Apartment By Law (continuation of hearing)**

Jim – why the change at all? Bob – I am looking for guidelines and a definition of common area. It was also the feeling that 600 – 720 square feet is enough room. Jim – we have been looking at this for some time. The main issue was common space. You don't want a division wall. It is very difficult to regulate. Bob – is that the whole area. Jim – it was the separate apartment. It was suppose to encompass. Greg – there was an issue about 1 or 2 bedrooms. Jim Rogers – the Master Plan Board was looking at this to take into consideration children. Derek – I would think that what you are saying is it would be allowed. Brian – by adding two bedrooms you are increasing the density of the town. Bob – 600 square feet is not enough. I am looking for more control. We need to do something. Jim – an in-law apartment should only be 1 bedroom. Bob – Board of Health would have to police it. Jim – are we taking 1,000 square feet of common area? Derek—if we are talking an in-law apartment why do we care how big it gets. Bob – I used 1,000 square feet based on the problems I have seen. 750 is not enough. Nancy – I want to go on record being objecting to the

1,000 square feet. Derek – Master Plan is looking to have the town take some action on this. Jim – I think I would like to close the hearing at this time and defer action until we have some input from Town Counsel.

### **Bills**

Jim – I have here a couple of bills which we need to approve for payment. One is for secretarial services in the amount of \$225.96. Greg – I make a motion that we approve the same for payment. Brian – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous. Jim – I also have a bill from the Middleboro Gazette in the amount of \$74.80 for the advertising done on the by-law hearings. Jim I believe that this going to be handled like the previous bill which we received that is being taken care of by the Board of Selectmen. I would like the members to approve of it and we will then give it to Rita for her signature. Greg – I make a motion that we approve the same for payment. Brian – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

### **Meetings**

Jim – our next meeting will be on August 19, 2008.

Greg – I make a motion that we adjourn. Brian I second the motion. Jim – all in favor. Vote was unanimous. Meeting adjourned at 11:35 p.m.