

**MANSFIELD ZONING BOARD OF APPEALS – REGULAR MEETING
MINUTES
DECEMBER 9, 2009**

Chairman Pellegrine called the meeting to order at 7:05 p.m. in the Council Chamber of the Audrey P. Beck Municipal Building.

Present: Members – Fraenkel, Pellegrine, Singer-Bansal

Alternates – Accorsi, Clauson

Absent: Members – Katz, Wright

Alternates – Gotch

Alternates Accorsi and Clauson will act as voting members of the Zoning board of Appeals for the following hearings.

ELECTRIC REPAIR SERVICE LLC, DBA MR. ELECTRIC – 7:00 PM

To hear comments on the application of Electric Repair Service LLC, DBA Mr. Electric for a Variance of Art VIII A for a photovoltaic array requiring a variance of 38' where 50' is required for rear yard setback and 3' where 35' is required for side yard setback, at 17 Chaffeeville Rd.

Mr. John Suchecki, owner of Electric Repair Service, LLC and Mr. Craig Bradley from DCS Energy, which is the solar firm connected with the project, represented the property owners.

A Neighborhood Opinion Sheet was received, showing no objections from neighbors.

Mr. Bradley stated that the hardship is that the design of the lot is prohibitive. The site must be south facing, with no shade. The roof of the house faces east/west. The location chosen for the panels is the only location available without deforesting the property.

The array will be 34' long by 22' wide with an angle from 1' to 6' high and will need to be installed 12' from the rear property line. The inverter box will be located in the barn, which is used for a workshop and storage. Both the house and barn will benefit from the solar panels. The house is 200 years old.

Fraenkel made a motion to close the hearing, seconded by Singer-Bansal. Motion passed.

BUSINESS MEETING

Fraenkel moved to approve the application of Electric Repair Service LLC, DBA Mr. Electric for a Variance of Art VIII A for a photovoltaic array requiring a variance of 38' where 50' is required for rear yard setback and 3' where 35' is required for side yard setback, at 17 Chaffeeville Rd, as shown on submitted plan. Singer-Bansal seconded motion.

In favor: Accorsi, Clauson, Fraenkel, Pellegrine, Singer-Bansal

Reasons for approval:

- Age of house
- Shape of lot
- To encourage use of this type of equipment

KATHRYN MYERS – 7:30 PM

To hear comments on the application of Kathryn Myers for a Variance of Art VIII A for a 14' x 22' house addition requiring a variance of 6 ½' where 26' is required for side yard setback at 679 Browns Rd.

Ms. Myers is seeking to add a second bedroom, continuing the flow of the single level house. Other locations were ruled out due to the location of the garage, septic system and well. Other factors in deciding the location of the addition are the steep slope of the land behind the house, the location of the windows and the layout of the rooms.

The front porch will be extended as well. Mr. Peter Fish of Thread City Builders discussed the plans for the porch. It was decided that adjustments would have to be made to ensure that the porch didn't extend any closer than 19.5' from side yard.

Ms. Meyers stated that her hardship is that there is no other place to put the addition.

A Neighborhood Opinion Sheet was received. There was an objection from one abutter but the applicant said it was a misunderstanding by the abutter as to where to sign on the form. This abutter was not present at the hearing to voice an objection.

Singer-Bansal made a motion to close the hearing, seconded by Fraenkel. Motion passed.

BUSINESS MEETING

Fraenkel moved to approve the application of Kathryn Myers for a Variance of Art VIII A for a 14' x 22' house addition and extension of porch requiring a variance of 6 ½' where 26' is required for side yard setback at 679 Browns Rd, according to the submitted application as modified during the public hearing to include a porch extension that will be no closer than 19½' to the side property line. Motion seconded by Accorsi.

In favor: Accorsi, Clauson, Fraenkel, Pellegrine, Singer-Bansal

Reasons for approval:

- Topography a hardship
- House will be upgraded
- Makes sense for flow of house

APPROVAL OF MINUTES FROM NOVEMBER 10, 2009

Fraenkel moved to approve the minutes of November 10, 2009 as presented.

Motion passed unanimously.

ELECTION OF OFFICERS

Chairman – Fraenkel nominated Pellegrine for chairman, seconded by Singer-Bansal. Pellegrine accepted nomination.

Vice-Chairman – Fraenkel nominated Singer-Bansal for vice-chairman, seconded by Pellegrine. Singer-Bansal accepted nomination.

Secretary – Fraenkel nominated Accorsi for secretary, seconded by Pellegrine. Accorsi accepted nomination.

WILLIAM PAULSON (CONTINUANCE)

The applicant was not present. Pellegrine phoned the applicant to remind him that his hearing was about to take place and Mr. Paulson arrived 15 minutes later.

Pellegrine re-opened the hearing, which she clarified, is for a special exception. Curt Hirsch, Zoning Enforcement Officer, was present to answer questions.

It was determined that the deck is 11' from the road and 18' from the side property line, which abuts the applicant's father's property. The deck extends out an additional 18" further than the porch.

The applicant said that when the plans were drawn up for the porch, it included a much smaller deck and landing, but ZBA minutes from 2005 do not show approval for a deck.

The location of the deck was chosen because it didn't interfere with the well, driveway, or septic. Construction of the deck was halted 2 years ago, leaving just the railings left to be built.

A Neighborhood Opinion Sheet was previously submitted.

Fraenkel made a motion to close the hearing, seconded by Singer-Bansal. Motion passed.

BUSINESS MEETING

Pellegrine moved to approve the application of William Paulson, for a Special Exception of Art XI, Sec C.2.b to construct a 20' x 30' deck onto a non-conforming residence, at 527 Middle Tpke that will be no closer than 11' from the front yard setback where 50' is required. Motion seconded by Fraenkel. No action was taken.

Fraenkel stated that because the porch was approved and the deck isn't much different that she could approve the application. The well and septic issues are acceptable difficulties. She does not like it that the deck is so close to the road and that the proper permits were not obtained before it was built.

Pellegrine does not feel that it is acceptable to have the deck so close to the road. She feels that it is dangerous, that it sends the wrong message that such a large deck was built without approvals and that it will not enhance the neighborhood.

Singer-Bansal said that she would not have approved this deck in advance of construction. It is too large and not attractive in the neighborhood. She asked if they could grant approval with the condition that it be made smaller.

Mr. Hirsch, Zoning Enforcement Officer, suggested that the business meeting be tabled and the town attorney's opinion sought.

Singer-Bansal moved to table the business meeting to explore alternatives as to the size of the deck. Accorsi seconded motion. All in favor.

The business meeting was tabled until the next regular meeting in January.

ADJOURNMENT

Meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Suzanne Singer-Bansal
Acting Secretary