



TOWN OF LINCOLN

MASSACHUSETTS

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Zoning Board of Appeals

Minutes

Thursday, January 7, 2016

Members Present: : Joel Freedman, Co-Chair, Vinit Patel, Kathleen Shepard, Eric Snyder, David Summer

Absent David Henken, Co-Chair

Singh, Sabita & Jensen Richard, 161 Concord Road, M/P 155-1-0, for a special permit under 14.3 of the bylaws for an accessory apartment.

The chair announce that the meeting is being recorded for minute taking purposes. Vinit Patel is the lead on this hearing. Mr. Patel stated that he application submitted was mostly complete. However, the plans submitted were hard to read. He asked if there was any change to the outside of the home and the only change was to be a staircase of 100 sq.ft. and that was to be added to the interior and not effect any of the setbacks of the existing home. The board was a bit confused about what is existing and what is being proposed. The applicant stated that the construction has been going on for a long time so the plans that are before the Board are mostly completed. The apartment needs approval before the construction can be started on the kitchen. The applicant stated that she has been working with the building commissioner and been properly permitted up to the point of the kitchen construction, which is why she is before the Board for a special permit for the accessory apartment. The Board asked where the entrance to the apartment would be and it was stated to be near the foyer where the stairs were added. There will be one additional car on the property, however, the applicant explained that the apartment is meant to be for her inlaws and they are already living in the home. So the car has already been on the property for some time. The drive is a gravel and leads to preexisting shed and garage structure. The only added lighting will be at the entrance

and the Board asked it to meet the dark sky criteria required in the bylaws. The applicant agreed. There being no further questions from the Board the hearing was opened to the public. There was no one from the public to speak.

Action: Motion to approve the special permit was duly made and approved, subject to a written decision and the terms and conditions of the decision for a term of 3 years. Approved unanimously as follows: Joel Freedman – yea, David Summer – yea, Kathleen Shepard – yea, Eric Snyder - yea.

Motion to close the public hearing, Unanimous. Vinit Patel made a motion to approve the special permit for a term of 3 years as presented, seconded by Eric Snyder, unanimous.

Donaldson, Nancy, 21 Trapelo Road, M/P 144-34-0 for a special permit under 4.4 of the by-laws to construct an addition to a non-conforming structure on a non-conforming lot Woody Arthur representing the Applicant described the project and stated that it is a non-conforming structure on a non-conforming lot. He also stated that the applicant has already been through the historic district commission and received the proper approvals. Mr. Arthur stated that the structure is currently in significant disrepair with holes in the roof and the other portions show significant decay. The project is to restore the 1915 Donaldson Structure and to demolish the 2 additions from the 1920's and 1960's which are the most in disrepair. He described the garage as essentially collapsed. The intent is to restore the 1915 original structure as much as possible by replicating what was there in terms of proportions and scale including the front porch and then to add a new living space in the rear. The applicant also wants to take advantage of the grading around the home and tuck the garage under the house on the rear of the home. This would allow the applicant to demolish the existing garage and let that go back to a natural state which would be sympathetic with the conservation land to the rear of the lot. The addition to the rear of the home will have a living/dining/kitchen area that faces south towards the field with a deck on the side. Additionally they are proposing a mudroom on the west side, which will be the daily access to the home. On the easterly side they are proposing an open stair off the deck that goes down to grade. This stair is the only part of the project where the non-conformity is being increased. The setback is changed from 38.6 ft. to 36 ft. The height of the structure is being maintained. The Board asked about the exterior lighting and it was stated that the applicant would like to stay as historically consistent as possible while also being dark sky compliant. There was discussion about the zoning worksheet and that the basement would not be added into the calculated floor area, however the cover porch would be added sq. ft. to the 1st floor. The Board opened the public hearing to the public. Buzz Constable, Old Lexington Road was here representing the Lincoln Land Conservation Trust which is likely the closest abutter and is in full support of this project. The Board noted an area on the plan that looks like a donation to the land trust and asked if there would be a conservation restriction place on the parcel. Ms. Donaldson stated that she did hope to donate a small parcel but at this time it was not clear exactly how much land would be donated. She then assured the Board that when the donation is finalized there will indeed be a Conservation Restriction placed on the parcel. The Board asked that the plan be revised to

show the dimension that the stairs being added and that the plans be resubmitted with that addition prior to endorsement of the decision.

Action: Motion to approve the special permit was duly made and approved, subject to a written decision and the terms and conditions of the decision. Approved unanimously as follows: Joel Freedman – yea, David Summer – yea, Kathleen Shepard – yea Eric Snyder - yea. Eric Snyder is the decision writer.

Keka, Arben and Mariana, 157 Bedford Road, M/P 119-35-0, for a modification to a previously approved special permit

The original special permit was granted in June of 2012. The Board was unclear of what was being requested to be modified. They asked the applicant to go over the original approved plan and describe the differences from the approved plan to the as built plan. The Board stated that they had received a memo from the Building commissioner that listed inconsistencies he believed were in the plans. Russ Wilson, Engineer on the project was in attendance and was brought by the applicant to help answer any questions the Board had. The location of the septic system was identified.

1. Septic issue
2. Swale Configuration
3. Diseased tree removal
4. Stonewall increased in length
5. Mechanicals on the Bedford road side of the home
6. Less Plantings than plan
7. ???

The Board did have a concern about the placement of the system. The Board did not want a mounded appearance from the road and asked that the system be placed as close to the house as possible which left a large area for natural plantings. Russ Wilson stated that the plan presented to the Board during the approval process was not yet approved by the Board of Health. What they initially planned was not approved by the Board of Health and needed a variance. The variance was approved by the Board of Health. The engineer then designed a new leeching field and had issues making it work, so the plans again changed to fit the system that was approved by the Board of Health. The Board stated that the condition in the decision of the location of the system was there to address concerns of the Board at the time of the original approval. It was stated that it appears that the applicant completely disregarded this condition and did not request any modification to the approved plans.

The Board noted that the plantings seemed sparse. The applicant stated that he is conforming with the landscape plan count and that the new landscape architect had different software and he believed that made a difference in the way it appeared on the plan.

The applicant stated that the diseased tree that was removed was replaced.

The front stonewall was to be dry laid. The Board asked if this was the case and the applicant stated that it was dry laid with a bit of mortar. The gated area to the front seems to be a bit bigger than was originally approved.

Grading of the septic appears to be higher than approved.

The swale was not built to the plan but has been corrected and now meets the approved plan.

The Board asked what would be the cost to move the septic back to where it was approved, including all costs such as, removing plantings and replanting, digging up the drive and being repaved, moving the system to a new location, etc.

Action: Motion to continue the hearing to February 4th. 2016, was duly made and unanimously approved.

Skenderian, Joesph and Amy, 24 Sunnyside Lane, M/P 113-18-0, for a special permit under section 4.4 to enclose an existing balcony to create a bedroom.

Action: Motion to continue the hearing to February 4th. 2016, was duly made and unanimously approved.

Misra, Bijoy and Subarna, 180 Bedford Road, M/P 114-1-0, for a special permit for a 2nd floor addition of a bedroom, den and bathroom to a pre-existing non-conforming structure on a non-conforming lot under section 4.4 of the bylaw

Action: Motion to continue the hearing to February 4th. 2016, was duly made and unanimously approved.

Minutes of December 3rd, 2015 approved.