

APPROVED 4/6/2022

**ZONING BOARD OF APPEALS MEETING
WEDNESDAY, JANUARY 5, 2022
RESOURCE ROOM**

Attendance: Chair Daniel Heney, Vice Chair Mike Fitzpatrick, Ronald Forget, John Bombara (remote), Matt Benoit – Director of Community Development, Ken Frasier – Building Inspector (remote)

Chair Dan Heney called meeting to order at 7:02 PM.

(7:02 PM) (0:15) Public Hearing: Mark Stickney, (#2021-19) 62 Pond Street

Date of Application: 12/13/2021

Decision Date of Variance: 100 Days of Application (3/23/2022)

The applicant Mr. Stickney is present at meeting and Byron Andrews from Andrews Engineering joined remotely to present plans. Applicant is requesting a variance for an overhang on the front of the house, and for a proposed garage 26x24. The overhang would encroach in the front setback 3.8 feet, and the garage would encroach 4.2 feet.

(7:15 PM) (13:05) Motion to close the public hearing made by John Bombara, seconded by Ron Forget. All in favor.

(7:16 PM) (14:12) Motion to approve variances proposed referencing the plot plan (#s-4196) submitted by Andrew's Engineering dated 12/9/21 made by Mike Fitzpatrick, seconded by Ron Forget. Roll call vote – Dan Heney, Mike Fitzpatrick, John Bombara and Ron Forget in favor.

(7:20 PM) (18:03) Public Hearing: NQOW, LLC., (#2021-20) 1 Whitin Heights

Date of Application: 12/15/2021

Decision date for Variance: 100 Days of Application (3/25/2022)

Jude Gauvin the engineer for the project plan joined meeting remotely. The foundation for Lot 12 that abuts the open space parcel of land that was donated to the town as part of the approval of this subdivision was rotated slightly when it was built, and the corners of the foundation encroach with the side setbacks. In search of how to correct this it was voted at town meeting that an even land swap with the open space parcel could be exchanged but because the open space is now owned by the town and the Massachusetts statute states before the town can release the land to a private individual this matter has to go to the State Legislator and get 2/3 vote to be released. The applicant would like to see if they can get relief on the right-hand side where it abuts the open space from 12 ½ feet to 9 ½ feet in order to not have to tear the house and foundation down and move it. The board agrees that this is the best solution, Matt Benoit would like to remind the board that the applicant would still have to come to the board and request an ANR for the other side to rectify the entire situation which they will do next week.

(7:27 PM) (25:27) Motion to close the public hearing made by Mike Fitzpatrick, seconded by Ron Forget. All in favor.

(7:28 PM) (26:17) Motion to approve the application for a sideline variance in accordance with the plans (s-4198) submitted made by Mike Fitzpatrick, seconded by Ron Forget. Roll call vote – Dan Heney, Mike Fitzpatrick, John Bombara and Ron Forget in favor.

Board will sign matter tonight so the issue can move forward, and the homeowners can move into the house.

(7:33 PM) (31:50) Motion to move into executive session for the purpose of litigation in the matter of Laramie versus the Zoning Board of Appeals and to leave executive session for the sole purpose of adjournment made by Mike Fitzpatrick, seconded by Ronald Forget.

Respectfully Submitted,

**Stephenie Gosselin
Recording Secretary**