

ZONING BOARD OF APPEALS  
WEDNESDAY, APRIL 6, 2022  
RESOURCE ROOM

Attendance: Chair Daniel Heney, Vice-chair Mike Fitzpatrick, Jim Palmer, Ronald Forget, John Bombara (remotely), Ken Frasier Building Inspector.

Absent: Sean Holland (unexcused)

Chair Dan Heney called meeting order at 7:05 PM

1. (7:05 PM) (0:13) Public Hearing: Michael Crosier (#2022-02) 16 Brookside Dr.

Date of Application: 3/8/2022

Decision Date for Variance: 100 Days of Application (6/16/2022)

Mr. Crosier is seeking a variance of 10 feet for setback relief under dimensional regulations appendix b to build a deck in a VR zone district. All the certified mailings have been returned. The board requests that the applicants provide a certified plot plan done by a surveyor for the record in order to make a decision on this variance. Applicant is requesting a continuance in order to get the distance of the deck and back lot line surveyed.

(7:20 PM) (15:26) Motion to accept a continuance for 30 days on May 4, 2022 made by Mike Fitzpatrick, seconded by Jim Palmer. Roll call vote – Dan Heney, Jim Palmer, Ron Forget, Mike Fitzpatrick, John Bombara all in favor.

2. (7:21 PM) (16:35) Public Hearing continued from 3/2/2022: Rebecca Laramee (#2022-01) 17 Hough Road.

Date of Application: 2/9/2022

Decision Date for Special Permit: 90 days after close of public hearing plus an additional 30 days per the Zoning Board.

Donald Keavany with Christopher, Hays, Wojcik & Mavricos in attendance on behalf of applicants and presented the revised plan proposal for the cabana. The board would like to see the 10 feet from the property lines instead of the 8.2 feet presented on the current plans. Mr. Keavany asked for a 2-minute break to discuss the 10 feet change with the Laramee's.

Discussion:

1. (7:39 PM) (34:48) Certified Mailing Increase from \$5.00 to \$7.33 – possible vote

(7:40 PM) (35:25) Motion to increase certified mailing charge to \$7.33 made by Ron Forget, seconded by Jim Palmer. Roll call vote – Dan Heney, Jim Palmer, Ron Forget, Mike Fitzpatrick, John Bombara all in favor.

2. (7:41 PM) (36:10) Allow Vice-Chair to sign Decisions and Vouchers in Chair's absence – Possible Votes

(7:42 PM) (37:32) Motion to authorize the Vice-chair to sign in Chair's absence made by Mike Fitzpatrick, seconded by Ron Forget. Roll call vote – Dan Heney, Jim Palmer, Ron Forget, Mike Fitzpatrick, John Bombara all in favor.

3. (7:43 PM) (38:30) Approve Minutes: 12/1/21, 1/5/22 & 3/2/2022

(7:44 PM) (39:45) Motion to approve January 5, 2022 minutes as written by John Bombara, seconded by Jim Palmer. Roll call vote – Dan Heney, Jim Palmer, Ron Forget, Mike Fitzpatrick, John Bombara all in favor.

**(7:45 PM) (40:25) RETURN TO LARAMEE PUBLIC HEARING CONTINUED**

Mr. Keavany and his clients (Laramee's) are agreeable to amend the plan to have the proposed cabana Sona tubes be 10 feet or more from the boundary lines and from septic tank with the 13-inch overhang. Board clarifies that no portion of the structure will be closer than 9 feet, with the conditions of a revised plan and no enclosing of the side walls of the structure and all necessary permits to be taken prior to construction and no structure or overhang should encroach between the cabana and the lot line at any point.

**(7:52 PM) (47:21) Motion to approve a special permit to allow the proposed structure to be no closer than 9-feet to the property line with all mentioned conditions as well as a sign off from the Board of Health and the Conservation Commission made by Mike Fitzpatrick, seconded by John Bombara. Roll call vote – Dan Heney, Jim Palmer, Ron Forget, Mike Fitzpatrick, John Bombara all in favor.**

**Discussion:**

4. **(7:55 PM) (50:30) Joseph Bylinski (#2021-04) 103 Shore Road, Reconsideration of the Board's Decision on Appeal & Petition for Enforcement & Order for Demolition & Removal of Non-Complying Structure G.L. c.40A §7, 8 14 & 15.**

Town Council, Brian Winner gave the board members a copy of the Town Council's email with his proposed motion.

**(7:57 PM) (52:01) Motion to reconsider the Board's decision on appeal & petition for enforcement & order for demolition & removal of non-complying structure dated a filed with the clerk on June 10, 2021 decision and issue a revised decision in the form provided by council made by Jim Palmer, seconded by Mike Fitzpatrick. Roll call vote – Dan Heney, Jim Palmer, Ron Forget, Mike Fitzpatrick, John Bombara all in favor.**

5. **(8:00 PM) (55:18) Comments, Planning Board Application, Site Plan Review, 105 & 123 Gilboa St., CRG – Possible Votes**

Bob Minarik, Economic Development Project Facilitator presented the project to the Board, which there are no zoning issues, and this is just a formality of signing off on the project. Mr. Minarik recommended that the applicant build a bridge across the Mumford River to access Gilboa Street to keep all truck traffic off the local streets. The town will retain ownership of the parking lot, Gilboa pond and the dam with this project. The Board's comments are concerns about the lighting and the possible noise.

6. **(8:14 PM) (1:09:15) North Brown, LLC**

Ken Frasier's updated that he spoke to Neil Rybicki on Tuesday and requested a full schedule on the proposed finishing up of phase one and two, and as soon as he receives the schedule, he will distribute it to the Board. They are hoping to finish foundation work on Nautical Way to Center Road, and proposal for the last loop of the road they want to get started on before the end of this year. The board requests to keep up to date on the sale of the affordable units.

7. **(8:22 PM) (1:17:57) Approve Minutes: 12/1/21 & 3/2/2022**

**(8:24 PM) (1:19:29) Motion to approve the minutes of December 1, 2021 as written made by Mike Fitzpatrick, seconded by John Bombara. Ron Forget abstains, roll call vote - Roll call vote – Dan Heney, Jim Palmer, Mike Fitzpatrick, John Bombara all in favor.**

**(8:26 PM) (1:21:27) Motion to approve the March 2, 2022 minutes with the edit of adding Jim Palmer to the attendance section made by Mike Fitzpatrick, seconded by John Bombara. Roll call vote – Dan Heney, Jim Palmer, Ron Forget, Mike Fitzpatrick, John Bombara all in favor.**

(8:27 PM) (1:23:06) Motion to adjourn the meeting made Mike Fitzpatrick, seconded by John Bombara. Roll call vote – Dan Heney, Jim Palmer, Ron Forget, Mike Fitzpatrick, John Bombara all in favor.

Upcoming Meetings: May 4, 2022 & June 1, 2022

Respectfully submitted,

Stephenie Gosselin  
Recording Secretary