

APPROVED 1/4/2023

**ZONING BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 7, 2022
RESOURCE ROOM**

Attendance: Chair Dan Heney, vice chair Mike Fitzpatrick, Jim Palmer, Ron Forget, John Bombara, Ken Frasier Building Inspector. Town Council

Chair Dan Heney called the meeting to order at 7:03 PM

7:00 PM Public Hearing Continued from 8/3/2022: Dermot Collins (#2022-06) 12 Cottage Colony

Date of Application: 7/13/2022

Decision Date of Variance: 100 Days of Application (10/21/2022)

Attorney Ryan Avery representing Dermot and Diana Collins joined remotely, and stated that Mr. Collins has a number of letters in support of the variance from his immediate neighbors to distribute to the board, Mr. Collins listed all the neighbors that wrote a letter. The board had questioned last meeting why the shed could not be more centered on the property as the previous garage was proposed and Attorney Avery stated that moving the shed would require both a retaining wall and likely a structural engineer to design that retaining wall, and his client feels that the burden of those additional costs would create a hardship, and Mr. Collins feels that a retaining wall could potentially create a hazard for children and animals in the neighborhood. The other issue that a board member brought up last meeting was the 2 ½ foot variance, The final issue was the discrepancy on Mr. Collins's application and the certified plot plan submitted for the amount of relief requested. Attorney Avery's understanding that the notice sent out by the town contained all the necessary information required by stature concerning the hearing and that the amount of relief is not something required by stature and is fluid because it could change. Attorney Avery does not believe by law that Mr. Collins application is invalid due to that discrepancy. Mr. Fitzpatrick asked town council about the discrepancy from the application to the plot plan, and town council stated that the in his opinion he not concerned with the issue presented. One board member stated that he went to site and did some measuring and thinks that the shed can be moved 6 feet back and only need about a 2-foot wall that does not require an engineer. Dave Nickowski 16 Cottage Colony stated that he is not opposed to the shed and feels that the applicant should be able to have his shed where it currently is. The board would like to see the shed 6 or 8 feet off the property line.

(7:44 PM) (41:20) Mr. Collins is going to take a few minutes to speak to Attorney Avery as to how he would like to proceed.

(7:52 PM) (49:42) The Collins's and Attorney Avery rejoined the public meeting

Attorney Avery stated that Mr. Collins would like the board to take a vote on the application as it stands. The board decided that they would like to see the shed moved 3.7 feet on the side and 6 feet on the back and end with a total of 13.8 feet from the rear and 6 feet from the side property lines.

(7:58 PM) (55:46) Motion to close the public hearing made by John Bombara, seconded by Ron Forget.

Roll call vote – John Bombara, Jim Palmer, Ron Forget, Mike Fitzpatrick, Dan Heney all in favor.

(7:59 PM) (56:20) Motion to grant a sideline variance of 19 feet and a rear setback variance of 11.2 feet with a revised certified plot plan made by John Bombara, seconded by Jim Palmer. Roll call vote – John Bombara, Jim Palmer, Ron Forget, Mike Fitzpatrick, Dan Heney all in favor.

Discussion:

- 1. North Brown, LLC**

They were not available to attend tonight so the board would like to have them come in possibly next meeting if available. A concern that Mike Fitzpatrick stated was that the applicant called his personal cell phone and left a voicemail, which he forwarded, to the Chairman, and Mr. Fitzpatrick asked if town council would have sent notice to the applicant's legal counsel and ask them to not contact him on his personal phone. The voicemail suggested meeting outside the public meeting and Mr. Fitzpatrick is not comfortable doing that. Mr. Frasier gave the board an update on all the units, and the grounds and the stormwater. The board discussed the issues and what they would like to see. The board also discussed the person that put a deposit on an affordable housing unit in January and in June; still nothing was done further on that unit. There was discussion about the amount of affordable sold versus the market units. Mr. Frasier stated that the progress is very slow. There was suggestion to not issue any other occupancy permits until they see the work that would like see done be done. Town council is going to review things to see they can provide a little pressure have them finish at least some affordable units.

2. (8:39 PM) (1:36:45) Cemetery Commission Letter to Zoning Board – Possible Votes

Betsy Youngsma a Cemetery Commission member stated that there is a cemetery in the gravel pit – The Baker Family Cemetery – and when they removed gravel, they dug under the cemetery, and you can see caskets hanging out on the ground and she would like them to back fill it. She also has issue with buildings going up and that you can build right beside a cemetery wall. Ms. Youngsma is asking the board for a buffer zone around the cemeteries so that there is space between them and new lots and house going up. The board stated that the planning board is the one she will need to see because they make the recommendations for zoning changes and then they must be voted on at town meeting.

3. (8:54 PM) (1:51:43) ZBA Application Forms – Possible Votes

(8:55 PM) (1:52:30) Motion to accept the changes presented by Ken Frasier for our application showing the existing and proposed plot plan added to the ZBA application made by Mike Fitzpatrick, seconded by Jim Palmer. Roll call vote – John Bombara, Jim Palmer, Ron Forget, Mike Fitzpatrick, Dan Heney all in favor.

(8:56 PM) (1:53:19) Motion to adjourn meeting made by John Bombara, seconded by Mike Fitzpatrick. Roll call vote – John Bombara, Jim Palmer, Ron Forget, Mike Fitzpatrick, Dan Heney all in favor.

Upcoming Meeting: October 5, 2022 & November 2, 2022

Respectfully submitted,

Stephenie Gosselin, recording secretary